

In every matter Lok Sabha cannot have precedence because this House represents the States.

SHRI M. M. DHAFIA (Maharashtra)
Madam Deputy Chairman, in the other House the Prime Minister was to make the statement in the morning but some counter-revolutionaries and reactionaries raised several points of order and also points of propriety and naturally the time was exhausted and she had to make that statement at 2.00 P.M. Actually she was on her legs when the House adjourned.

THE DEPUTY CHAIRMAN

Now I think Mr. Niren Ghosh has no objection.

SHRI NIREN GHOSH : I have one objection Madam, you are the presiding officer. You know this House is not properly respected. In every matter the precedence goes to the other House though we are on par.

THE DEPUTY CHAIRMAN

This House is properly respected but when certain things are beyond your control what can you do? She has to finish the business there and then come here.

The House stands adjourned till 2.15 P.M.

The House then adjourned for lunch + eighteen minutes past one of the clock

The House reassembled after lunch at fifteen minutes past two of the clock, the VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair

THE WEST BENGAL LEGISLATIVE COUNCIL (ABOLITION) BILL, 1969

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI MOHAMMED YUNUS SALEEM)
Mr Vice-Chairman Sir, I beg to move

“That the Bill to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and consequential thereto, as passed by the Lok Sabha, be taken into consideration.”

Under article 169 of the Constitution Parliament is authorised to provide for the abolition of the Legislative Council of any State. According to this article, 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, Parliament is entitled to pass an Act abolishing such a Council in the State. The article further provides that any such law, which has to be enacted for this purpose, may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary. On the 21st March 1969 the Legislative Assembly of the West Bengal State adopted a resolution to that effect, recommending the abolition of the West Bengal Legislative Council. For this purpose a Bill was prepared and introduced in Lok Sabha. If one reads the different clauses of the Bill, it will not be difficult for one to come to the conclusion that it is a very small Bill which only fulfils the object of the resolution passed by the West Bengal Legislative Assembly.

In clause 7 of the Bill consequential and incidental provisions have been made. For example, there may be certain Bills which might have been introduced in the Council or might be at the introductory stage. Such Bills would automatically lapse. Such Bills which have been passed by the West Bengal Assembly and which have been referred to the Legislative Council for further consideration would be deemed to have been passed by the Assembly. Similar consequential provisions have been made in clause 7 of the Bill.

As I submitted the Bill is very simple and not very complicated. Therefore it need not be discussed in detail. I hope hon. Members of the House would give their consent to the passing of this Bill. I may add one thing. As I have submitted, this Bill was considered by the Lok Sabha and passed on the 16th May, 1969. Hon. Members of this House are aware that the 19th of May was the last working day for this august House. It was not possible to bring forward this Bill for the consideration of the House earlier as there were other important items in the list of business of the House. It was not found possible to introduce discussion on this on the last working day of the Rajya Sabha.

SHRI DAHYABHAI V. PATEL (Gujarat) : Question.

(Interruption)

SHRI MOHAMMED YUNUS SALEEM : Whatever I say, I say it with a full sense of responsibility.

SHRI RAJNARAIN (Uttar Pradesh) : No.

SHRI MOHAMMED YUNUS SALEEM : How can you say 'No.'? I say 'Yes'.

SHRI DAHYABHAI V. PATEL : You may say 'Yes', but we say 'No.'

SHRI MOHAMMED YUNUS SALEEM : Therefore, I submit that it was not possible to introduce this discussion in the previous session of this House. I do not think any objection with regard to the delay would arise. In the circumstances, I submit that the House may be pleased to consider this Bill and pass it.

The question was proposed.

SHRI DAHYABHAI V. PATEL : Mr. Vice-Chairman, Sir, it is quite true that this is a very small measure but everything does not seem to be as simple and as clear as the hon. Deputy Law Minister tried to make out to us. I have a few doubts and queries. Not being a lawyer I would request the hon. the Law Minister to clarify them. That does not mean that I will agree with what he says, but I would like to have his views as a lawyer on some of these points. I must make it clear that we do not agree with his last observation that on the 16th May the Lok Sabha passed it, this House adjourned on the 19th May and so it was not possible to pass it. All the Opposition Parties even, except my friend, Mr. Bhupesh Gupta, had agreed to pass it in an hour's time. . .

SHRI BHUPESH GUPTA (West Bengal) : I never disagreed. Where is the proceeding?

SHRI DAHYABHAI V. PATEL : Every body knows it.

SHRI BHUPESH GUPTA : I said that the monopolies Bill and this should be taken up and the House should be extended.

SHRI DAHYABHAI V. PATEL : What is the relation between the two ?

SHRI BHUPESH GUPTA : You wanted to scuttle the monopolies Bill. Mr. Vice-Chairman, I do not want to join issue with him, but he cannot make this thing. . .

SHRI DAHYABHAI V. PATEL : I certainly can. . .

SHRI BHUPESH GUPTA : Let the Government say it. It was decided. . .

SHRI DAHYABHAI V. PATEL : You did not want it to come up. . .

SHRI BHUPESH GUPTA : The Bill was laid here on a Friday. On Saturday it could not be taken up because of other business and the 48-hour rule was there. The Government insisted that on Monday the President's Succession Bill should be passed and others. In the Business Advisory Committee meeting which was attended by his party representative. . .

SHRI DAHYABHAI V. PATEL : I was present in that—no representative I say.

SHRI BHUPESH GUPTA : Now this kind of thing is being said. It is most unfortunate. I think the Government and Mr. Hathi were quite willing, but the Business Advisory Committee decided at the meeting that the House would not sit beyond Monday. I think you will agree that this is uncalled for. . .

SHRI DAHYABHAI V. PATEL : When Shrimati Indira Gandhi is going his way, why is it that I cannot have my way?

SHRI BHUPESH GUPTA : Why are you charging me?

SHRI DAHYABHAI V. PATEL : Because that is the truth.

SHRI BHUPESH GUPTA : What is the truth? Where is the proceeding ?

SHRI DAHYABHAI V. PATEL : Whether there is evidence or not, truth remains truth.

(Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I am on my legs Will you please take your seat?

SHRI BHUPESH GUPTA : The Swatantra Party wanted to forestall the Monopolies and Restrictive Trade Practices Bill. That is why they brought in this subject. We said both should be passed in that session by extending the sittings of the House, but the Business Advisory Committee did not extend the sittings of the House. Obviously we are helpless.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) Will you please take your seat? May I appeal to the hon. Members not to get agitated? Let one Member speak at a time. Mr. Dahyabhai Patel is in possession of the House. Let him continue.

श्री राजनारायण : जरा एक मैं क्लेक्-फिकेशन चाहता हूँ। मैं यह चाहता हूँ कि सदन में असत्य अचरण न हो। अगर किसी कि एक उगलो भी दबे तब भी असत्य भाषण नहीं होना चाहिये। यह बिल्कुल सत्य है कि श्री भूपेश गुप्त जी और कांग्रेस के लोग इस विधेयक को नहीं माने दिये। हमने कहा था कि हम इसको एक घंटे में पास कर देंगे। लेकिन भूपेश गुप्त जी और कांग्रेस के लोगो ने इसको नहीं माने दिया।

SHRI BHUPESH GUPTA : What did I say? What did I say? I think Mr. Rajnarain should not say that. If any such thing is there in the proceedings of the Business Advisory Committee or of what is said here, I will resign from the House here and now. Can he show me this thing? I said the House should be extended. Mr. Rajnarain, you are arguing against us. I want a clear ruling from you. If there is one word to that effect anywhere in the proceeding of the Business Advisory Committee meeting.

SHRI RAJNARAIN : Why should he stand in this way? Let me finish my say.

SHRI BHUPESH GUPTA : That is all right. You are making a false statement.

श्री राजनारायण : जो कुछ आप को कहना हो वह बाद में कहियेगा। इस तरह तो यह होगा कि जब ये खड़े हो तो मैं भी खड़ा हो जाऊँ। (Interruption) यह लोग यह चाहते थे कि कौंसिल का वहाँ चुनाव हो जाय ताकि

इनके मिनिस्टरो को हटाना पड़े और उनको आगे जा कर चुनाव न लड़ना पड़े। मैं आप से कहना चाहता हूँ कि आप ईमानदारी के साथ

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव)

राजनारायण जी, आप बाद में बोलेंगे। इस समय आप मेरिट्स आफ द बिल पर नहीं बोल रहे हैं।

श्री राजनारायण : सदन में असत्य अचरण हुआ है। जिस दिन सेशन खत्म हुआ उसके नेक्स्ट डे हमने इस सम्बन्ध में बयान दिया है। आप अखबारों को देखिये। हमने अपने बयान में कहा था कि कम्युनिस्ट और कांग्रेस दोनों कारों ने मिल कर जो एक अच्छा काम बंगाल असेम्बली के जरिये हुआ था और जो लोक सभा में भी पास हो गया था उसको राज्य सभा के समने पिछले सेशन में नहीं आने दिया। जब ओम् मेहता जी हमें नैनीताल में मिले थे तो मैंने उनसे भी कहा था कि यह मामला बड़ा गडबड का हुआ। (Interruption) उसपर उन्होंने भी कहा था कि यह मामला बड़ा काम्पलीकेटेड हो गया है और भूपेश गुप्ता जी को जो जवाब देना होगा वह वे देंगे।

हमने खुद कहा था कि हम एक घंटा और बैठने के लिये तैयार हैं। सेशन 5 बजे के बजाय 6 बजे तक चल सकता है और हम एक घंटे से ज्यादा समय इसके लिये नहीं लेंगे, लेकिन इसको आज पास होना चाहिये। इसको ईमानदारी से कबल करना चाहिये कि उस समय इनके दिमाग में था कि शायद हमारे मिनिस्टर हट जाए, इस लिये इस बिल को किसी तरह से रोक लिया जाय। उसके बाद पब्लिक ओपिनियन ने जोर पकड़ा और हमने खुद कलकत्ता में जा कर कहा कि यहाँ के युनाइटेड फ्रंट ने जो एक अच्छा काम किया था उसको लोक सभा में पास होने के बाद राज्य सभा में पास नहीं होने दिया गया तो .

[श्री राजनारायण]

मन्चाई छिप नहीं सकती बनावट के उसूलों से, खुशबू आ नहीं सकती कभी कागज के फूलों से इस लिये जो बात है उसको ठीक ठीक कहा जाय।

SHRI DAHYABHAI V. PATEL

Mr Vice-Chairman, I am sorry unnecessary heat has been generated in the debate. What I was saying was just to relate the facts according to my knowledge. Mr Bhupesh Gupta is entitled to have his version. We never interrupt him or get excited as he behaves here. At least when the Congress Party is yielding to him in so many matters, taking his dictates on so many other things, he should be a little more patient. Even when he is happy about the Congress Party taking his advice on so many things why should not he show a little more patience or forbearance? But the fact is that in the Business Advisory Committee we said that we would sit even half an hour or one hour more if the Government wanted to pass this Bill. All other opposition Parties except my friend, Mr Bhupesh Gupta—he was trying

SHRI BHUPESH GUPTA I demand the proceedings of the Business Advisory Committee. I never attended. Mr. Chitta Basu attended. He wanted an extension. The Business Advisory Committee rejected it. Even for that I am to be blamed? I did not attend. The proceedings of the Business Advisory Committee are there. Lie is being spread in a calculated manner. I demand that the proceedings of the Business Advisory Committee be put before the House.

SHRI DAHYABHAI V. PATEL

The calculated action of Mr Bhupesh Gupta is very significant.

SHRI BHUPESH GUPTA . They did not allow this thing to be taken up. The Business Advisory Committee decided not to extend the session.

SHRI DAHYABHAI V. PATEL . Why ?

SHRI BHUPESH GUPTA . I was not present.

SHRI DAHYABHAI V. PATEL

Because you wanted to link the Monopolies Bill. What relation has the Monopolies Bill got? The Monopolies Bill was not going to be passed in one hour. That would take quite a lot of time.

SHRI BHUPESH GUPTA : My friend attended. He did not raise any objection. Mr. Chitta Basu wanted an extension. It was not granted. It is in the proceedings of the Business Advisory Committee. I was speaking here on the Five Year Plan. As you know very well, I did not attend. I am not a member of the Business Advisory Committee though I was invited. I had been invited, even so I could not attend. Do not blame me for what the Business Advisory Committee did.

SHRI DAHYABHAI V. PATEL .

I am sorry if I am not correct. Mr Bhupesh Gupta is a member of the Business Advisory Committee when he wants to when it does not suit him, he is not a member. I quite agree. But the Business Advisory Committee cannot get on unless Mr. Bhupesh Gupta is pacified by the Congress Whip or by somebody or yourself when you talk to him in the lobby.

श्री राजनारायण : बिजनेस ऐडवायजरी कमेटी की बात नहीं है। यहाँ बैठे बैठे इनस हमने बात की थी।

SHRI DAHYABHAI V. PATEL :

This matter was discussed with the Minister, with the Congress Whip. We said we will certainly agree, if Government wants to pass this Bill we have no objection. I do not see what relation there is between the Monopolies Bill and this Bill, how they could be linked together. After all the Monopolies Bill is a Bill which is going to take time. Amendments have been moved by many people, myself and many of us. All of us would want to speak on our amendments. That Bill cannot be passed in an hour. That will be passed even in one day or two days.

SHRI PITAMBER DAS (Uttar Pradesh)

What interest after all could Mr Bhupesh Gupta have in not getting this Bill passed in the last session?

SHRI DAHYABHAI V. PATEL :

It is very obvious. They wanted time.

SHRI BHUPESH GUPTA

Mr Vice Chairman, I would like these gentlemen to be taken to the Privileges Committee, because the business of the House is guided by the decisions of the Business Advisory Committee. The proceedings of the Business Advisory Committee are there. Not only that, when Mr P. t

said that, I said I want the Council to die here and now. Last day when Mr. Dahyabhai Patel referred to it, I mentioned I want the Council to die. That is there. See the proceedings. I had no interest at all. Not only that it will be a good thing if the Council had been abolished.

SHRI DAHYABHAI V. PATEL : But you wanted to extend the time.

SHRI BHUPESH GUPTA : What for ?

SHRI DAHYABHAI V. PATEL : You wanted two months' time to conclude...

SHRI BHUPESH GUPTA : What do you think we gain? Nothing we gain.

THE VICE CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Dahyabhai Patel is on his legs

SHRI AKBAR ALI KHAN (Andhra Pradesh) : By now we could have finished the Bill.

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) : I do not appreciate the Government of Mr. Dahyabhai Patel when they say that Mr. Bhupesh Gupta obstructed the inclusion of the West Bengal Council (Abolition) Bill. Whether he was present in the Business Advisory Committee or not, to me it is irrelevant. The fact is that it was not included. The 19th of May was the last day of the sessions. On the 17th of May I rose up to mention that it should be included. On the 19th also it did not come. May I know from the Leader of the House, Mr. Hathi, who is present here why it did not come then? I remember he said, "we are prepared if the opposition agrees". You said, the Government was prepared if you agreed.

SHRI OM MEHTA (Jammu and Kashmir) : See the proceedings.

SHRI DWIJENDRALAL SENGUPTA : I remember the proceedings, what happened. If the Opposition does not agree, am I to understand that in future also the Government Bill will not be included? Since when did this convention develop that without the consensus or consent of the Opposition the Government will not include a Bill, first from the Lok Sabha even? So, my position is this. I do not know what happened behind the scene. All that we know is that this Bill should have been passed and could have been passed. I have already mentioned on the 17th that if necessary, we shall sit

up till 9.00 P.M. There are conventions and precedents when the House sat even late into the night to pass a Bill. Why? May I know? There is no heavy business in this House. Everything could come. Will Shri Jaisukhlal Hathi, as the Leader of the House, say what prevented him from coming to that conclusion?

AN HON. MEMBER : What Opposition party has objected to the inclusion?

SHRI DAHYABHAI V. PATEL : You know the facts. So, I am not taking more time on that. The facts are very obvious and it is well known that I am not in the habit of either twisting or hiding the facts. If I am correct, I will say readily that I am correct. But in this there is no question of correction. Every body knows what would happen to the United Front Government if the Bill had been passed.

AN HON. MEMBER : Nothing would have happened.

SHRI DAHYABHAI V. PATEL : They would have been in difficulty and of course, they have now devised new means, as I saw from a recent visit to Calcutta with some other friends on the Monopolies Bill. I had the privilege of going to Calcutta and meeting so many people, because we hear all sorts of things about what is happening there. And I was inclined to feel that what we were doing there at that time was something very insignificant to what should have been done in Bengal. It is reign of terror that is prevailing there. I ask What is our Home Minister here doing? (*Interruptions*) Nobody is able to speak. If you are driving a car, somebody gets near to the wheel and says, "I want to go there. If you say, "I want to go eastwards, he says, "I want to go westwards". If you refuse, he will light a match and put it into the petrol tank. It is a daily occurrence there.

SHRI A. P. CHATTERJEE (West Bengal) : Was he dreaming?

SHRI DAHYABHAI V. PATEL : I was not dreaming. (*Interruptions*) I do not have to take your permission. But these facts are known. There is a virtual reign of terror prevailing in Calcutta.

SOME HON. MEMBERS : No, no.

SHRI DAHYABHAI V. PATEL : The press is not able to speak. If you read the newspapers, even the small extracts of what have happened there, and put them

[Shri Dahyabhai V. Patel]

together, you will know what is happening there. If you ask for police protection, it is not available. People who have asked for police protection have been taken to the police station and harassed. This is what is happening. (*Interruptions*) I know what sort of protection I will get from you

HR (NIREN GHOSH (West Bengal) : I will stand by you.

SHRI DAHYABHAI V. PATEL : I hope I will never be in need of that protection.

SHRI A. P. CHATTERJEE : You are ever in need of protection. That is good

SHRI NIREN GHOSH : He says, he is afraid. What can I do ?

SHRI DAHYABHAI V. PATEL : I never need to be protected by you. (*Interruptions*) I know what sort of protection is given to friends who ask for it. There is a virtual reign of terror prevailing there, and I am surprised that the Government of India do not worry about it. They are worried about the Monopolies Bill, they are worried about this Bill. They are worried about this Ordinance. But they are not worried about what is happening in West Bengal. There is no law and order there. Tomorrow, West Bengal will be out of the Indian Union, and we are worrying about the Nagaland Bill and that Bill and about what is happening in Assam. Along with it, the whole lot of them will go. I am surprised that my friends sitting opposite are so calm and are not worrying about it. And it should have been their business to worry about it, about the situation that is there. (*Interruptions*) Today, on the first day of Parliament we are talking of so many other things, instead of the first thing that should have been our worry. We have got a situation on the borders which is well known, which is not happy.

SHRI MONORANJAN ROY (West Bengal) : May I know whether he is speaking on the Bill itself or on the situation in Calcutta and in West Bengal?

SHRI DAHYABHAI V. PATEL : That is very relevant. I am not going to learn from this Member who has come here only to day. I know the Rules of procedure. Please tell your friends.

Apart from this Bill being so small I thought the hon. Minister should have said something about what is happening

in West Bengal. Then, I would like to know. If tomorrow the United Front Government decide that they want an Upper House, will another Upper House be given to them. There has been an Upper House all these years. Today they do not want an Upper House. Are they liberty to say tomorrow that they want an Upper House? I just want to know. That is all.

SHRI A. P. CHATTERJEE : Do you or do you not want monopoly?

SHRI DAHYABHAI V. PATEL : I say, adhere to the Constitution. In the Constitution, we have been having an Upper House in West Bengal all this time. And why is it that today you do not want it? Is it that some of your Ministers were not very happy that you wanted to remove them? Some of your Ministers were from the Upper House.

SHRI NIREN GHOSH : You want the Upper House ?

SHRI DAHYABHAI V. PATEL : I am asking why that situation has arisen today. (*Interruptions*) The Treasury Bench does not know ?

SHRI SUNDER MANI PATEL (Orissa) : It is the Communists and the Treasury Bench

SHRI NIREN GHOSH : Answer yes, or no

SHRI DAHYABHAI V. PATEL : I do not understand this duel situation. So far, they wanted it, Today they do not want it. If tomorrow they want it, will the Government of India introduce a Bill to give them an Upper House? That is the answer I want from the Law Minister to the Government of India. What is the Government's position? I am not asking about Mr. Niren Ghosh's position, I am asking about the position of the Government of India.

SHRI NIREN GHOSH : I am asking you to know what is your position.

SHRI DAHYABHAI V. PATEL : You ask the Government. I am not in power.

SHRI NIREN GHOSH : You are an hon. Member of the House. I want to know your position.

SHRI DAHYABHAI V. PATEL : I will tell you on another occasion, this is not the occasion. I will tell you plenty

of it if you want. My views are very clear on this. I have no hesitation, I do not change my views again and again. My views are not influenced by this situation or other situation where certain persons remain Ministers or do not remain Ministers. That does not influence me. I am just asking clearly. As a result of this Bill, what will happen to the situation not only in West Bengal but elsewhere? To-day, they say, we do not want the Upper House. All right, abolish it. Are they competent to say the day after tomorrow that they want an Upper House again, those States which do not have Upper Houses? If they want, will the Government give them? That is the clarification that I would like to have from the Government. I do not yet understand why after having an Upper House for so many years in West Bengal, the people do not want it. Will the hon. Law Minister, if he has any reason or background as to why they want to abolish it now, explain the situation? Have they come to such a very nice situation that only one Legislature there is good that things are running in West Bengal very happily, that they law and order situation is very nice there, that schools and college are working well, that factories are working well, that the production is up, that the foreign exchange that the Government of India wants very much is being earned by the factories there, because they want to earn foreign exchange? Is it that for that purpose, West Bengal being the largest industrial complex in the country it is working so satisfactorily? I, coming from Bombay, know that many, many factories do not know and the production at many important factories producing important components and important machinery, is held up because very important components are being made in Bengal and Bengal factories are not able to supply them.

SHRI A. P. CHATTERJEE : That is a slander.

SHRI DAHYABHAI V. PATEL : It is a fact. You can go to court if you think it so. I know that several factories in Bombay are upset. The Government of India will tell you if you ask them that the factories in Bengal are not producing as much as they used to: they are not working to their capacity. There is 'go-slow' (Interruption). The worst type of thing that we have anywhere, the gherao, the West Bengal labour people have started. I want to know whether the gherao Government has asked for its abolition and is the Government of India always

going to yield to the gherao Government? Has the Government of India no choice in this. I have seen the statement of one of the West Bengal Ministers—I think he was the Minister of Agriculture—in which he has also pointed out the very serious law and order situation. It was in the papers. What I am telling you about the situation is based on the day to day newspaper reports from Calcutta.

SHRI NIREN GHOSH : Your newspapers.

SHRI DAHYABHAI V. PATEL : If the newspaper does not publish true news your Government would not leave it. If it is not true your Government would not allow that newspaper to survive for one minute. But because it is true you are unable to take action... (Interruption by Shri Niren Ghosh) Whether he shouts or his friend, Mr. Bhupesh Gupta, shout the truth will remain. I know truth is inconvenient to him, I know in certain countries the practice is to shout down the truth and nobody is able to say a word. Fortunately we have not come to that stage in India so far and I hope we never will.

SHRI S. S. MARISWAMY (Tamil Nadu) : In spite of Congress rule.

SHRI DAHYABHAI V. PATEL : Yes, in spite of Congress rule, with their policies right or wrong, without understanding or understanding them leading only to a totalitarian rule. It is freedom that we want. Truth must prevail from all sides. If any one tries to suppress truth, the Government should not allow any body to do so. If the Law Minister or the Congress party helped in preventing this Bill from going through, it would be a bad day. The House heard Mr. Bhupesh Gupta's tirade against me in preventing me from explaining the facts about it and if the Government connived in it, I think it would be a bad day. Now I hope the Government will only come forward and say frankly that it was Mr. Bhupesh Gupta who did not want the Bill to go through that the Bill did not go through last time; otherwise the Bill would have gone through last session itself in spite of opposition. But Mr. Bhupesh Gupta said he would not allow me to explain. Therefore, I have got up and addressed my queries to the Law Minister. I hope he will answer my queries because once you have set this process of abolishing the Upper Houses at the request of another Government there

[Shri Dahyabhai V Patel]

will be no end to it. Will you reverse the process when you are again in power in that State?

SHRI MOHAMMED YUNUS SALE-EM) Yes, why not?

SHRI DAHYABHAI V. PATEL : You abolish when an Opposition Government comes out with a request to abolish and you have it again when that Government goes out making a farce of the Constitution. I suggest that this needs to be looked into. That just cannot be done this way. Because a certain Government on election does not like an Upper House, therefore, do away with it. That is bad. I have no quarrel with those people who say that on principle an Upper House in the State is not necessary. But this change comes because there is a change in the complexion of the Government. That is not a healthy sign for our growing democracy. We have been afflicted with many ills. Is this one more illness that is coming to us? That is the worry in my mind and I am willing to share it with friends who have an open mind, friends who are worried about the growth of democracy in our country and who have patience at least to listen, who are not so intolerant and are not even willing to listen to a different opinion. I think in this House we will be able to keep this tolerance at least for some time more and that we will not have the situation that is obtaining in West Bengal when nobody can breathe or speak freely.

SHRI P. C. MITRA (Bihar) Mr Vice-Chairman, while I support the Bill that has been placed before us, I also endorse many of the views expressed by hon'ble the Leader of the Opposition. Actually I would also like to have a clarification from the Leader of the House. The Home Minister or the Law Minister, while moving the Bill in the Lok Sabha, as far as I remember, said that he was earnest that the Bill be passed within the last session of Parliament. May I know why that assurance was not adhered to? Who was responsible for this controversy later on raised in Bengal and in the press there? Names were dragged of Mr Bhupesh Gupta and our Deputy Chief Whip, Mr. Om Metha, and others. When Mr. Chitta Basu and Mr. D.L. Sen Gupta raised the point that the Council abolition Bill be passed in the May session, Shri Bhupesh Gupta, who was sitting there tight did not speak a word. If Mr. Gupta was so earnest get to the Bill passed, certainly he should have

aised his voice because whenever anything against his wish is done here he does not wait for the Chair's permission to raise his voice. But he remained mum. That indicates that over the Bengal issue it was मोनम् सम्मति लक्षणम्. The Government was not very eager either. He also supported that view. Is it because he was angry that he did not allow Shri Dahyabhai Patel to speak? He did not give cogent reasons because he generally condemns the Government for not passing a Bill. Of course, he said that the cat was out of the bag. He said that if the Government wanted to pass the Council abolition Bill then the Monopolies and Restrictive Trade Practices Bill should also be passed. He bracketed both. He did not want to give priority to the Council abolition Bill. That indicated that the House would not dispose.

श्री राजनारायण : श्रीमन्, मेरा एक प्वाइट आफ क्लैरिफिकेशन है। यह 19 तारीख की प्रोसीडिंग है और इस को पहले यहाँ देख लिया जाय। श्री भूपेश गुप्त जी भी यहाँ हैं। डाह्याभाई पटेल जी का प्वाइट ठीक है कि हम लोग बेस्ट बगान को कौंसिल को अवॉलिश करने का बिना यहाँ पर लाने के लिए क्यों नहीं जोर देने हैं। अगर हम ईमानदार हैं ना हमें जोर देना चाहिए। यह 19 तारीख की प्रोसीडिंग में मैं ने कहा है। यह पेज 100 पर है। इस के आये श्री भूपेश गुप्त जी ने कहा है —

“There is already the Monopolies and Restrictive Trade Practices Bill half way through which we had discussed. Let us start with that.”

Having said all this he has got the guts to say that he did not put hindrance.

भूपेश गुप्त दिन से चाहते थे कि यह कौंसिल एवॉलिशन बिल आज न आये। भूपेश गुप्त चाहते थे कि उन के मंत्री जो कौंसिल से हो कर कैबिनेट में आये हैं वे किसी तरह से बने रहे। मगर जब यह सदन उठा और यहाँ से जा कर कलकत्ता में हम न हटना मचाया और उन क नाम लिया तब जा कर भूपेश गुप्त जी आये।

SHRI BHUPESH GUPTA On a point of order I am very sorry my friend read out only a part of this thing, and not the whole. What he said is all right. But in addition to that I said

"There is already the Monopolies and Restrictive Trade Practices Bill half way through which we had discussed. Let us start with that. Then we can go into the other Bengal Bill. It is due to the pressure of more urgent business that the Monopolies Bill is not being proceeded with further. It should go the Council should die."

He did not read out the words, "the Council should die." I wanted the Monopolies and Restrictive Trade Practices Bill to be finished and then the Bengal Bill to be taken up. As you know, on the 19th May the other Bill had come. All I said was let it be finished and then the Council should die. You make any interpretation of what I said. But at least express what I said. It was my desire to see that the Council should die. I did not say "Take up the other Bill at the next session." I never said it. Where is it? Therefore, the point of order is quite clear. My friend, Mr. Rajnarain has read only a part of it. Be fair to me. Criticise, me, interpret me, but at least be fair to me. In the proceedings I never suggested that the other Bill should be deferred. I never said that the other bill should taken up at the next session. All I said was we were discussing the amendments, the amendments were being moved, in fact, I was speaking on the amendments, I said, let us finish with this and then take up the other Bill and finish with the Session. This is the position I took. But you may ask me why I did not give up the Monopolies and Restrictive Trade Practices Bill. I did not give it up because I thought that there were other people interested in stalling that Bill. You see, the Monopolies Bill had been delayed for many, many years. And when we reached the amendments stage, it was felt that the amendments would be finished in no time and I suggested that thereafter that the other Bill should be taken. Now you may say that when I said that I had in mind some session the next session or something. But the proceedings would not bear this out. Be fair, if not to me, at least to the proceedings of the House.

SHRI PITAMBER DAS If it was necessary

SHRI BHUPESH GUPTA Mr. Vice-Chairman, then I said I have no quarrel with Shri Dhyabhai Patel in this thing. That also I mentioned.

SHRI PITAMBER DAS Mr. Vice-Chairman, if it was necessary to finish the Monopolies and Restrictive Trade

Practices Bill before taking up the Bengal Council Abolition Bill on that day I do not understand how we are taking it up to-day before taking up the Monopolies and Restrictive Trade Practice Bill. Just as we are to-day taking up the Bengal Council Abolition Bill before taking up the Monopolies and Restrictive Trade Practices Bill we could have similarly taken it up that day also.

SHRI BHUPESH GUPTA We could have. But we were moving amendments. That is the point.

SHRI P. C. MITRA Without dilating on the things, I would like to say that one thing that comes out is that Bengal Council Abolition Bill was not passed by the Bengal Legislative Assembly with a laudable objective. Their only object was that there should not be any delay in the measures that they wanted to take to serve the interests of certain parties. Besides, they did not also want even criticism to be allowed to be made against the omissions and commissions done in Bengal after the ushering in of the United Front Government. Actually in the Legislative Assembly they have got a majority of more than two-thirds, but in the Council they are in a minority. In a joint sitting of both the Houses they could pass any Bill they wanted. But they wanted that that restriction also should not be there. At the same time they thought that the Union Government, which was a Congress Government, would not accept the Bill as readily as the Union Government actually did. Therefore, if they had any honest move and they thought that the Council was redundant, then they thought that the Council was redundant, then they should not have included in that Ministry the half a dozen Ministers who were either members of the Council or who were not members of either of the Houses. Why did they take advantage of the Council to include those people in the Ministry? On that account there was trouble also. In one party which had perhaps three members, only the Minister remained in the party and the other two were expelled by that party. That party broke up on this issue. Therefore, they thought that in one way they had been outwitted by the Central Government's acceptance of the Bill and readily having in the Lok Sabha. It may be that Shri Pitamber Das did not ask for postponement of the Bill. But it should be clarified whether from any quarter any

[Shri P. C. Mitra]

feeler had come to the Leader of this House or to the Prime Minister or to the Home Minister. There are many rumours in the country and many things appear in the press. So I would like the Government to make the position clear as to why when the Bill was passed in the Lok Sabha so speedily and when we had three days left, we could not get time or the Business Advisory Committee did not allot time for taking up this Bill. With these words, I support this this Council abolition measure.

श्री पीताम्बर दास : आदरणीय उपाध्यक्ष जी, इस विधेयक का मैं स्वागत करता हूँ। भारतीय जनसंघ ने अपने जन्मकाल से ही यानी 1951 से अपने घोषणापत्र में इस बात का जिक्र किया है कि राज्यों में विधान परिषदें समाप्त हो जानी चाहिये। और उसके बाद हर चुनाव घोषणापत्र में हमने अपनी उस राय को दुहराया है। इसलिये मुझे बड़ी प्रसन्नता हुई कि राज्यों में विधान परिषद् समाप्त होने का प्रारम्भ हो गया है।

विधान परिषद् रहनी चाहिये या नहीं, यह विषय बड़ा विवादास्पद रहा है और बड़े बड़े प्रमुख राजनीतिज्ञ इस प्रश्न के ऊपर एक दूसरे से असहमत रहे हैं। मैं उदाहरण के लिये सदन को यह बतलाऊँ कि 1931 ई० में राउडटेबिल काफ़ेस में महात्मा गांधी ने इस सम्बन्ध में क्या कहा था। उनका कहना है :

"Personally I am of the opinion that we can do with one chamber only, and that we can do with it to great advantage. We will certainly save great deal of expenses if we can bring ourselves to believe that we shall do with one chamber"

1947 में विन्स्टन चर्चिल ने भी हाउस आफ कामन्स में इस संबन्ध में अपनी राय व्यक्त की है। हमारा पार्लियामेन्टरी सिस्टम इंग्लैंड में पार्लियामेन्टरी सिस्टम के ऊपर आधारित है और इसलिये चर्चिल साहब का इस संबन्ध में क्या कहना है यह भी एक बड़े महत्व की बात होगी। उनका कहना है :—
quote from the Hansard—

"All this idea of a handful of men getting hold of the State machinery having the right to make the people do what suits their party and personal interests or doctrines, is completely contrary to every conception of surviving Western democracy. All this idea of a group of supermen and super-planners such as we see before us playing the angels' as the French call it and making the masses and the people do what they think is good for them, without any check or correction, is a violation of democracy"

जिस समय कास्टिट्यूट असेम्बली में इस प्रश्न के ऊपर विचार हो रहा था कि राज्यों में विधान परिषदें दिये जायें या न दिये जायें तो उस समय डा० आम्बेडकर ने कहा था :

"The Second Chambers in the States were being introduced..."

These are his actual words—

"...purely as an experimental measure and there would have to be provision in the Constitution..."

Again quoting his very words—

"...for getting rid of the Second Chambers."

श्रीमन्, इसीलिये आर्टिकल 169 बना और उसमें यह अधिकार दिया गया विधान सभों को कि वह अगर चाहे तो विधान परिषद की समाप्ति के लिये प्रस्ताव पास कर सकती है और फिर सदन उसके सबन्ध में कानून बना सकती है।

अब उन्हीं अधिकारों के अंतर्गत बंगाल विधान सभा ने यह प्रस्ताव भेजा है और सरकार ने सदन में यह विधेयक पुर-स्थापित किया है। अगर हम इन विधान परिषदों के पहले के इतिहास को देखें तो पता चलेगा कि 1935 का जो ऐक्ट था, गवर्मेन्ट आफ इंडिया ऐक्ट, उसमें सबसे पहले विधान परिषदों का प्रावधान किया गया था और क्योंकि ब्रिटिश सरकार को यह खतरा था कि जो आम चुनाव 1937 में होंगे उनमें कई राज्यों में कांग्रेस बहुमत में आकर सरकार बनायेगी उस समय जो उसकी अपनी योजनाएँ हैं, जो उनके अपने कार्यक्रम हैं, उनके हिसाब

से यह देश के अंदर कम से कम उन राज्यों में जिनमें उसकी सरकार बनेगी वहां एक ऐसी बदल लाने की कोशिश होगी जो वहां की जनता के लिये बिलकुल नयी और आकर्षक चीज होगी। ब्रिटिश गवर्नमेंट उस बदल को नहीं आने देना चाहती थी और इसलिये उस को रोकने के लिये उन्होंने ब्रेक्स लगाए। यह विधान परिषद उस बदल को रोकने के लिये एक तरीका था। क्योंकि विधान परिषद का ढांचा बदलने को 6 साल लगते हैं, और उस समय तो करीब 9 साल लगते थे। इसलिये उन्होंने अपने स्वार्थ के खयाल से कुछ उन राज्यों में, जिन राज्यों में उनको खतरा था कांग्रेस से, विधान परिषद का प्रावधान किया, सारे राज्यों में नहीं किया। 1935 के उस ऐक्ट में केवल छः प्रदेशों में विधान परिषद बनाए। बाकी प्रदेशों में नहीं। प्रदेश थे 11 जो उस समय प्रान्त कहलाये जाते थे प्रदेश नहीं। तो ब्रिटिश सरकार की यह सावधानी समझ में आ सकती थी। विधान परिषद के इस प्रयोग को हम करीब 30 साल से देख रहे हैं। ब्रिटिश गवर्नमेंट के दिये हुए यह विधान सभा की स्वेच्छाचारिता के ऊपर लगने वाला ब्रेक आज सबसे पहले बंगाल की सरकार को अखरा है, यह जरा विशेष बात है। वैसे तो और भी कई राज्य हैं जिनके अंदर गैर कांग्रेसी सरकार रह चुकी है। लेकिन सबसे पहले बंगाल सरकार का यह खयाल हुआ कि इस 'ब्रेक' को समाप्त कर देना चाहिये। एक विशेष महत्व भी बात है। खैर, यह स्वागत योग्य कदम है, इसके पीछे नीयत उनकी कुछ भी क्यों न हो। और डाह्याभाई पटेल साहब का यह पूजना, मेरी इस बात को और भी मजबूत बना देता है कि आज तो बंगाल की सरकार कहती है कि विधान परिषद समाप्त कर दो, परन्तु अर कुछ समय बाद, जब स्थिति उनके अनुकूल हो जाये ऐसा वह समझने लगे तब अगर वह मांग करे कि हमारे यहां विधान परिषद स्थापित कर दो, उस समय सरकार का क्या रख होगा। यह सवाल डाह्याभाई पटेल साहब ने पूछा। अब डम का सरकार क्या जवाब देगी। यह तो वह समझे जवाब

देना पसन्द करें या न देना पसन्द करे।

“खुदा जाने वह क्या पूछे जबों अपनी से क्या निकले”।

विधान परिषद रखने के पक्ष में एक दलील दी जाती है। मैं उसका भी उल्लेख कर दू। हर एक पार्टी के अंदर कुछ ऐसे लोग होते हैं जिनकी योग्यता कानून बनाने में या राज्य के प्रशासन में बहुत आवश्यक और उपयोगी रहती है। उनमें से कुछ व्यक्ति ऐसे होते हैं कि जो आम चुनाव की दिक्कतों में पड़ना पसन्द नहीं करते। कई लोग आर्थिक कारणों से और कई लोग अपने स्वभाव से मजबूर रहते हैं टेम्परेमेन्टली। तो उन लोगों का भी उपयोग देश के वास्ते हो सके इसलिये उन विधान परिषदों का महत्व है।

SHRI AKBAR ALI KHAN : That is the main consideration.

श्री पीताम्बर दास : Right मैं केवल ... श्री नेकी राम (हरियाणा) : फिर क्यों उसका विरोध कर रहे हो।

श्री पीताम्बर दास : उसके पक्ष में जो दलील दी जा सकती है उनका जवाब दे रहा हूं, सपोर्ट के बारे में तो मैंने शुरू में कह दिया था कि मैं सपोर्ट करता हू। और इस समय इसीलिये कह दिया था कि जिससे आपको यह समझने में दिक्कत न हो कि मैं क्या कह रहा हू। आप ही के लिये कहा था उस समय। बाकी लोग तो वैसे भी समझ लेंगे... (Interruption)

श्री नेकीराम : श्रीमान् चेयरमैन साहब, आप इजाजत दे तो मैं अपने साथी को बता दू कि जो दलील दे रहे हैं ...

श्री पीताम्बर दास : मैं बताता हू।

श्री गोडे मुराहरि : (उत्तर प्रदेश) . जरा आपको देर में समझ आती है।

श्री पीताम्बर दास : समझ में आ जायेगी। उसमें मेरा आपका दोष नहीं, वह भगवान की देन होती है। मैं बता रहा था कि जहां तक यह बात है कि विधान परिषदों द्वारा योग्य व्यक्ति जो हैं उनकी सेवा भी उपलब्ध हो जाती है उसके लिये मेरा सुझाव यह है कि अपने कानून में यह व्यवस्था कर ली जाय

[श्री पीताम्बर दाम]

कि जो विधान सभाएं हैं उनमें कुछ सदस्य "कुआट" किये जा सकें सिंगल ट्रान्सफरेबल वोट के द्वारा। आज भी, उत्तर प्रदेश के बारे में मुझे मालूम है, कि वहां के कारपोरेशन में यानी जो महानगरपालिकाएं हैं उनमें इस प्रकार के 'कुआप्शन' का प्रावधान है। उसमें जो चुने हुए लोग जाते हैं वह एक निश्चित मर्यादा 'कुआट' कर लेते हैं सिंगल ट्रान्सफरेबल वोट द्वारा इसी तरह पार्टी के वह लोग जो आम चुनाव में आगे आना नहीं चाहते उनको कुआप्शन में लाकर उनके सारे ज्ञान का, उनके सारे अनुभव का, देश को उपयोग कराया जा सके? इसकी व्यवस्था विधान सभाओं में ही कर ली जाये।

इस अवसर के ऊपर मैं यह भी सुझाव देना चाहता हूँ कि विधान परिषद को समाप्त करके विधान सभाओं के अंदर फकशनल रैप्रेजेंटेशन की तरह की एक पद्धति को भी लया जाना चाहिये। यानी विशेष क्षेत्रों में काम करने वाले जो लोग हैं उन्हें विधान सभाओं में प्रतिनिधित्व मिल जाय। जैसे यूनिवर्सिटीज हैं उनका कोई प्रतिनिधि जा सकता है। चेम्बर आफ कामर्स का मेडिकल एसोसिएशन का, इंजीनियर्स एसोसिएशन का कोई प्रतिनिधि जा सकता है। इसी तरह से अन्य क्षेत्रों के विद्वान लोग भी इसमें आ सकते हैं। इस तरह के विशेषज्ञ अपने दृष्टिकोण से वहां की जनता की भलाई कर सकते हैं और अपने ज्ञान का लाभ दे सकते हैं।

इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूँ। मेरी पार्टी ने अपने घोषणापत्र में विधान परिषदों का विरोध किया है। मैं सरकार के मोटिव में जाये बिना वहां की विधान सभा को इस विधेयक के लाने के लिए बर्बाद देना चाहता हूँ। मैं बंगाल सरकार को बर्बाद देना चाहता हूँ कि उसने अपने यहां से इस तरह का प्रस्ताव पारित करके केन्द्र में भेजा।

श्री शीलभद्र याजी (बिहार) उपसभाध्यक्ष महोदय, मैं इस विधेयक की तारीफ करता हूँ और तारीफ करते हुए पश्चिमी बंगाल के विरोधी

दल के लोगो ने जो कुछ इस विधेयक के सबब में कहा, जोरो से कहा, उनके सबब में उन्हें कुछ नसीहत भी देना चाहता हूँ। (Interruptions) मैं पश्चिमी बंगाल के जो विरोधी दल के लोग हैं उनको यहां पर कलई खोलना चाहता हूँ।

(Interruption)

उपसभाध्यक्ष महोदय, अभी यहां पर यह बात उठाई गई कि श्री भूपेश गुप्ता इस बिल को यहां पर पिछले सेशन में पास करना नहीं चाहते थे। हम भी इस राज्य सभा में उस वक्त बैठे थे मगर हमने इस तरह की कोई बात नहीं सुनी, न देखी जिससे यह मालूम हो सके कि उन्होंने इस बिल को पस नहीं होने दिया। असल बात यह है कि पश्चिमी बंगाल सरकार जो कि 12 या 13 पार्टियों की बनी हुई है उसमें ही आपस में झगडा हो गया है और श्री भूपेश गुप्ता को कडैम करने के लिए इस तरह की बात कही जा रही है। वहां पर जितनी पार्टियां हैं उनमें तरह तरह के झगडे उठ खडे हो गये हैं और उन झगडों को छिपाने के लिए श्री भूपेश गुप्ता का नाम यहां पर लिया जा रहा है और उन्हें कडैम किया जा रहा है।

अभी जनसभ के नेता ने दो हाउस के प्रिंसिपल पर भाषण दिया और यह कहा कि पश्चिमी बंगाल की सरकार ने जो इस तरह का बिल पास किया है उसका उन्होंने समर्थन किया। लेकिन जो विरोधी लोग हैं, चाहे वे कजरवेटिव हैं, रिपब्लिकनरी हैं, जो अपने को तथाकथित प्रगतिशील कहते हैं, कम्युनिस्ट कहते हैं, उन सब के दिमाग में यह बात लाना आवश्यक है कि दुनिया में कोई भी देश चाहे वह समाजवादी हो, चाहे पूंजीवादी हो, दोनों हाउस सब जगह पर हैं। लेकिन हमारे संविधान ने असेम्बली को यह अधिकार दिया हुआ है कि यदि असेम्बली चाहे तो वह दोनों हाउस रख सकती है या फिर एक ही हाउस रख सकती है। अगर पश्चिमी बंगाल की मौजूदा सरकार यह समझती कि उनका हमेशा बहुमत रहेगा या फिर कौंसिल में उनका बहुमत होता, तो वे कभी भी कौंसिल को तोड़ने का प्रस्ताव पास नहीं करती। चूकि

इस समय पश्चिमी बंगाल सरकार का कौंसिल में बहुमत नहीं है इसलिए इस इंसट को दूर करने के लिए उसने इस तरह का प्रस्ताव पास किया। इस समय उनका वहाँ पर कोई बहुमत नहीं है इसलिए अपनी सुविधा के लिए, अपनी सरकार को अच्छी तरह से चलाने के लिए उन्होंने कौंसिल को तोड़ने का प्रस्ताव पास किया है। असेम्बली जब कोई प्रस्ताव पास करती है तो उसको कौंसिल वापस नहीं करती है पास करके। इसी तरह जब पश्चिमी बंगाल सरकार ने बजट पास किया तो उसकी कौंसिल ने रिटर्न नहीं किया। इस तरह की दिक्कतों को देखते हुए उसने इस तरह का प्रस्ताव पास करके केन्द्र के पास भेजा है। इसमें कोई प्रिसिपल का झगड़ा नहीं है कोई प्रतिनिधित्व का झगड़ा नहीं है, बल्कि यह तो एक राजनीतिक झगड़ा है जिसकी वजह से उन्होंने इस तरह का प्रस्ताव पास किया। उन्होंने देखा कि अगर कौंसिल को तोड़ा नहीं जाता है तो उनकी सरकार ठीक तरह से काम नहीं कर सकेगी। इसी कारण से उन्होंने इस तरह का कदम उठाया।

इस सबध में या कहा जाता है कि उनकी वहाँ पर अक्सर ऐसा नहीं था तब उन्होंने इस तरह का प्रस्ताव पास किया। अगर उनका वहाँ पर बहुमत हो जाता है और उनमें फिर इस तरह की सुबुद्धी आ जाती है तो वे पीछे दोनों हाउस के प्रस्ताव को ला सकते हैं। लेकिन चूँकि इस समय उनका वहाँ पर बहुमत नहीं था इसलिए अपनी सरकार को अच्छी तरह से चलाने के ख्याल से इस तरह का प्रस्ताव पास किया कांग्रेस का लैजिस्लेटिव कौंसिल में बहुमत है और उन्होंने भी इस प्रस्ताव का समर्थन किया और पास करवाया। लेकिन बदकिस्मत इस बात की है कि पश्चिमी बंगाल में जो शासक पार्टी है उसके आपस में ही झगड़ा चल रहा है और वहाँ की सरकार को अच्छी तरह से चलाने के लिए उन्होंने इस तरह का बिल पास किया है और केन्द्र के पास भेजा है। केन्द्र में इस समय कांग्रेस सरकार का बहुमत है अगर वह कोई डेडलोक क्रिएट करना नहीं चाहती है, कोई संघर्ष

करना नहीं चाहती है। केन्द्रीय सरकार ने दिखला दिया है कि उसका बहुमत होते हुए भी बंगाल की सरकार ने जो प्रस्ताव पास किया है वह उसका समर्थन करेगी। यही कारण है कि आज सरकार इस तरह का विधेयक लाई है। लेकिन एक बात यह है कि अगर उनका बहुमत वहाँ पर होता तो पश्चिमी बंगाल की सरकार कभी भी इस तरह का बिल पास नहीं करती। चूँकि उनकी वहाँ पर अक्सरियत नहीं है और अपनी कमजोरी को छिपाने के लिए और आगे अपना काम ठीक तरह से चलाने के लिए उन्होंने इस तरह का प्रस्ताव पास किया है। (Interruptions)

سرदार نریندر سنگھ بزار (پنجاب) :

کیا آپ پنجاب کی کونسل کو رکھنا چاہتے ہیں -

†[सरदार नरेंद्र सिंह ब्रार (पंजाब) : क्या आप पंजाब की कौंसिल को रखना चाहते हैं ?]

श्री शीलभद्र याजी : अगर पंजाब को कौंसिल का बिल यहां आयेगा तो हम उसका भी समर्थन करेंगे। हमारी सरकार इस तरह की कोई बात नहीं करना चाहती है कि मविधान के विरुद्ध हो। लेकिन मैं विरोधी दल के लोगों से कहना चाहता हूँ कि चूँकि उनका वहाँ पर बहुमत नहीं है और तब वे इधर उधर की बातें इस संबंध में कर रहे हैं और अपनी कमजोरी को छिपाने के लिए दूसरों के ऊपर दोष डाल रहे हैं। हमारे कामरेड श्री भूपेश गुप्ता और श्री डाह्याभाई पटेल के बीच में जो झड़प इस बिल के संबंध में हुई वह शोभनीय नहीं थी। उन्हें तो वहाँ मिलना चाहिये किसी बात को कहने का और इसीलिए उन्होंने इस तरह की बातें कही, जब मिनिस्टर ने साफ कह दिया कि वक्त न मिलने के कारण यह बिल पिछले सेशन में पास नहीं हो सका तो फिर उन्हें इस तरह की बातें नहीं कहनी चाहिये थी और नहीं इधर उधर की बातें कहने की आवश्यकता थी। यह जो प्रस्ताव सदन के सामने है उसको पास किया जाना चाहिये और इन शब्दों के साथ मैं इसकी तारीफ करता हूँ।

†[Hindi transliteration.

श्री गोडे मुराहरि : उप सभाध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूँ। वैसे हमारी पार्टी शुरू से ही इस निश्चित मत की है कि कोई भी अपर हाउस देश में नहीं होना चाहिये। राज्यसभा को मिलाकर सब अपर हाउस का खात्मा किया जाना चाहिये।

SHRI PITAMBER DAS : If at the Centre we decide to keep one House, it is the Lok Sabha which will have to be abolished, not the Rajya Sabha.

श्री गोडे मुराहरि : मुझे इस बात से कोई वास्ता नहीं है कि पश्चिमी बंगाल की असेम्बली ने इस विधेयक को क्यों पास किया और पश्चिमी बंगाल की युनाइटेड फ्रंट गवर्नमेंट ने इस बिल को क्यों मंजूर किया। मैं इस बात पर नहीं जाना चाहता हूँ कि उन्होंने क्यों वहाँ की कौंसिल को तोड़ने का बिल पास किया। हो सकता है कि उनका कौंसिल में बहुमत नहीं था और काम में बाधा पड़ने की वजह से उन्होंने इस तरह का बिल पास किया। लेकिन फिर सिद्धान्ततः यह जो काम का सिलसिला शुरू

आ है वह एक अच्छा प्रारम्भ हुआ है और इसलिए हम इस चीज का स्वागत करते हैं मैं इस चीज के लिए बंगाल की युनाइटेड फ्रंट गवर्नमेंट को बधाई देना चाहता हूँ कि उन्होंने एक अच्छी चीज की शुरूवात की क्योंकि बाद में कोई और सरकार इस तरह के अपर हाउस को बनाना चाहेगी तो उसके लिए बाधा होगी। जब एक बार इस तरह से कौंसिल के खात्मे का सिलसिला शुरू हो जाता है तो फिर इनडाइरेक्टली इलेक्शन द्वारा आने का सिलसिला भी खत्म हो जाएगा और अगर कोई इस तरह का सिलसिला शुरू भी करना चाहेगा तो उसमें बाधा पड़ेगी।

इसके साथ ही साथ मैं यह भी कहना चाहता हूँ कि मैं किसी भी इनडाइरेक्ट इलेक्शन के खिलाफ हूँ चाहे वह राष्ट्रपति का हो या किसी और चीज के लिए हो क्योंकि जिस चीज में जनता का सीधा संबंध न हो, उसके मैं खिलाफ हूँ। इसीलिए मैं कहना चाहता हूँ कि राज्यसभा का भी खात्मा होना चाहिये क्योंकि यह भी इनडाइरेक्ट इलेक्शन के जरिये बनी हुई है। मुझे कभी कभी शक होता है कि जब संविधान में अपर हाउस की बात रखी गई होगी तो

शायद सत्ताधारी पार्टी ने यह सोचा होगा कि कभी कभी ऐसा मौका आ सकता है जब कि सीधी इलेक्शन में हमारी हार हो, इसलिए एक सदन ऐसा हो जहाँ पर हम रूकावटें डाल सकें उस दूसरी पार्टी के रास्ते में जो कि गद्दी पर आये। इस मकसद से इस चीज को रखा गया होगा। इसीलिये आज हम देखते हैं कि जगह जगह जहाँ कांग्रेस को हार हुई है वहाँ वहाँ अपर हाउस में कांग्रेस का बहुमत अभी तक है और वह वहाँ रूकावट पैदा कर रही है। तो मैं चाहूँगा कि जितने भी अपर हाउस में हैं उन सब के अबालिशन के लिये सरकार की ओर से कोई बिल आये। इस बिल के जरिये सिर्फ बंगाल की कौंसिल खत्म हो रही है। मैं सरकार से दरखास्त करूँगा कि अगर सिद्धान्ततः वह इस चीज के खिलाफ है तो जितने भी अपर हाउस में हैं और जितने भी इन्डाइरेक्ट एलेक्शन हैं, सब के खिलाफ वह बिल लाये...

SHRI AKBAR ALI KHAN : The Assembly will have to pass it.

श्री गोडे मुराहरि : यह सही है कि पास करे तब यह आ सकता है। लेकिन जिन असेम्बलीज में आप का बहुमत है वहाँ आप को अपर हाउस को खत्म करने का बिल पास करना चाहिये। जब कांग्रेसी यहाँ पर इस चीज का स्वागत करते हैं तो उनको असेम्बलीज में भी कौंसिल को खत्म करना चाहिये। अगर सिद्धान्ततः कांग्रेस पार्टी इसके पक्ष में है तो जहाँ जहाँ असेम्बलीज में उसका बहुमत है वहाँ वहाँ उसको ऐसे बिल को पास करना चाहिए कि वहाँ की कौंसिल खत्म हो।

شری شیر خان (میسور) : نو پھر

آپ اس کے پروٹسٹ میں ریوائن کر دیجئے۔

†[श्री शेरखां (मैसूर) : तो फिर आप इस के प्रोटैस्ट में रिजाइन कर दीजिये।]

श्री गोडे मुराहरि : हम ऐसे वेक्फ नहीं हैं कि आप जैसे आदिमियों को यहाँ बैठा कर हम यहाँ से चले जायें। जब तक आप यहाँ रहेंगे तब तक हम भी रहेंगे। आप को यहाँ से हटा कर हम यहाँ से जायेंगे।

कौंसिल और राज्य सभा में जितना पैसा हम जाया करते हैं उसको भी हमें मदेनजर रखना चाहिये। कोई भी बिल लोक सभा में पास हो और फिर यह पर भेजा जाय तो क्या होता है कि बिल करीब करीब उसी तरह से पास हो जाता है। उसी तरह से अगर कहीं असेम्बली में कोई बिल पास हो कर के अपर हाउस में आता है तो बना किसी बड़े चेज के वह पास हो जाता है क्योंकि दोनों जगह एक ही पार्टी होती है। जो सत्ताधारी पार्टी है वह जो चाहेगी वही लोग सभा में पास होगा, वही असेम्बली में पास होगा और वैसे का वैसे अपर हाउस में पास हो जायगा, लेकिन उसपर काफी पैसा खर्च हो जायगा क्योंकि जो मेम्बर कौंसिल में बैठेंगे वे भत्ता भी लेंगे और माहवारी तनख्वाह भी लेंगे। इस तरह जो हिन्दुस्तान में पैसा जाया होता है उसको बन्द करना चाहिये इसलिये मैं चाहता हूँ कि यह बिल पास हो और सिर्फ बंगाल की ही कौंसिल नहीं बल्कि सारी कौंसिलें खत्म की जाय।

एक चीज मैं यह भी विवेचन करना चाहता हूँ कि कौंसिल या राज्य सभा को इस मकसद से बनाया गया था कि इन में ऐसे लोगों को लिया जायगा जिन की गूढ़ि थोड़ी तेज है और जो डाइरेक्ट एलेक्शन में आ नहीं सकते हैं। लेकिन आप देखिये कि आज हो क्या रहा है। जो मंत्री आम चुनाव में हार जाते हैं वे यहाँ पर विराजमान हैं। जो गवर्नर रिटायर हो जाते हैं वे यहाँ पर विराजमान हैं। इस तरह राज्य सभा और कौंसिल ऐसी जगहें बन गई हैं जहाँ उनको ला कर बैठ दिया जाता है जो सीधे चुनाव में हार जाते हैं। इसलिये इन चीजों को खत्म होना चाहिए।

जो नामिनेटेड मेम्बर हैं उनकी भी हालत देखिये कि क्या है। पता यह कहा जाता था कि लिटरेचर और साइंस के जो एक्सपर्ट होंगे उनको यहाँ पर ला कर के बैठाया जायगा लेकिन आज हम देखते हैं कि ब्यूरोक्रैट्स को ला कर के यहाँ बैठा दिया गया है। उनका क्या महत्व है? यही हालत कौंसिलों की है...

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : We are talking of Nominated Members of the House. If you call them 'brokers,' it is not correct. To say that Nominated Members are 'brokers' is not proper.

SHRI GODEY MURAHARI : I said 'bureaucrats', not 'brokers'.

SHRI JAISUKHLAL HATHI : That is all right.

श्री गोडे मुराहरी : जो ब्यूरोक्रैट्स रिटायर होते हैं उनको ला कर के यहाँ नामिनेट किया जाता है। तो मेरा कहना यह है कि कौंसिल और राज्य सभा का जो उद्देश्य है उसका दुरुपयोग हो रहा है और इसलिये मैं चाहूँगा कि इन सब का एबालिशन हो।

इन्हीं शब्दों के साथ मैं इस बिल का स्वागत करता हूँ और यह कहना चाहता हूँ कि सिर्फ इस बिल को लाने से काम नहीं चलेगा। सिद्धांततः इस चीज को मान कर सारी असेम्बलीज में जहाँ पर कांग्रेस का बहुमत है वहाँ पर कौंसिल के एबालिशन का बिल पास होना चाहिये।

SHRI BHUPESH GUPTA : Mr. Vice-Chairman I am very sorry that an unnecessary controversy has been started over this which was not really warranted and things are said on the basis of certain hearsay, gossip and other things. Now that we are discussing it, first of all we welcome the measure but since it has been said, I should make the position clear. Nobody is to blame. If anybody is to blame, it is the Business Advisory Committee and neither the Opposition nor the Government are to be blamed for this because the whole thing was settled by the Business Advisory Committee. You may blame me but I will not generally like to blame Mr. Hathi because he made his position very clear that if the leaders agreed, then he would have agreed but that was not so. First of all I would point out that it must be said to the credit of my friends Mr. Sen Gupta and Mr. Chitta Basu that they did raise this matter on the 17th of May and Mr. Sen Gupta very strongly raised it. Mr. Basu also fought for it in the Business Advisory

[Shri Bhupesh Gupta]

Committee and also in the House but unfortunately I was not present at the Business Advisory Committee. Though I am not a Member, generally leaders are invited. As I was speaking here, I could attend it. In the Committee Mr Basu took it up and I can read out what he said on 17th May :

"Sir, here I have got something to submit. As a matter of fact, Sir, I raised this question in the meeting of the Business Advisory Committee. When this Bill was being debated in the Lok Sabha, I requested the Chairman and also the Members of the Business Advisory Committee that time should be allotted so that we might take up the consideration of the West Bengal Legislative Council Abolition Bill after it is passed by the Lok Sabha. It is a matter of regret that at that time the Business Advisory Committee did not consider it wise to allocate certain time for consideration of the said Bill."

Therefore it is quite clear. Mr. Basu's complaint was against the Business Advisory Committee where he fought unsuccessfully to get the time allotted. My friend Mr. Sen Gupta made the point : We are not concerned with what took place behind the back of this House in the Business Advisory Committee. The minutes of the Business Advisory Committee I have consulted and they show that it was clearly decided that the House shall not extend beyond Monday and it was communicated here. It was impressed at that meeting that this should be taken up. All these things were done. These are on record. This is not what I am manufacturing here. When Mr. Hathi reported here on 29th April, he said :

"I have to inform Members that the Business Advisory Committee at its meeting held on April 28, 1969, has recommended allocation of time for Government and other Business to be taken up during the current session as follows :"

He named a number of things and there you will not find any reference to the West Bengal Legislative Council Abolition Bill. I do not blame him because it had not been passed by the other House and how could he mention it? We did not know whether it would be coming or not. So he was absolutely right in not mentioning it here because it is not

generally done and we cannot prejudge what the other House will do and when things are not passed, they are not to be mentioned here.

Then again, Mr. Dahyabhai Patel as I said, raised this thing on the last day, on the 19th. At least English words should have their meaning. I never said, "Postpone it" I said, "There is already the Monopolies and Restrictive Trade Practices Bill half way through. Let us start with that." There were the amendments and we were interested in getting them passed also. My friend, Mr. Dahyabhai Patel, may not have been interested, in fact he is opposing the Monopolies Bill and he would like it to be opposed and not passed. I can understand that consistent stand of this. Therefore I said to Mr. Dahyabhai Patel that both should be taken up. "It is due to the presence of more urgent business that the Monopolies Bill is not being proceeded with further. It should go; the Council should die" I said, "Let us start with that Monopolies Bill. Then we can go to the other Bengal Council Abolition Bill." Now this is the position. Then again, here I must say this, because I would not leave it to the Leader of the House, I do not want to be unfair to the Leader of the House, that he said that all the leaders of the opposition groups had been consulted and it was the consensus arrived at that no time should be given to any other business except the business announced for the 17th and 19th May. Here I have got the proceedings of the 17th where Mr. Chitta Basu and others have raised this point. And what did Mr. Hathi say? You can blame me. In that case you should blame others also. Why single me out? Here is what Mr. Hathi says on the 17th of May.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : Yesterday, when I announced the business of the House for today and Monday I said that after a discussion with the various Leaders of the Opposition this was the consensus of opinion, namely that today the Companies (Amendment) Bill will be discussed and passed, and the Other, the President (Discharge of Functions) Bill would be passed on Monday. Now that was the agreement or arrangement reached with the Leaders of the opposition Groups. And so far as the Government is concerned, we would have on objection whatsoever to take that

Bill up (*Interruption*). Probably Members will ask why Bhupesh Gupta did not interrupt here. I do not know whether I interrupted or not. To continue what the Leader of the House had said, (*Interruptions*) but that will depend upon the time also. If the time is available, if the House is prepared, well, so far as Government is concerned, we have no objection (*Interruptions*). Then the other thing passed on. The Companies (Amendment) Bill, 1969. Now we do not know who interrupted. Now somebody said why Bhupesh Gupta did not come. You should say also why Mr Dahyabhai Patel did not come up and say. You can say this thing, but it is neither here nor there. It ended there. Why it ended there? It is because the report of Business Advisory Committee came up and it was adopted. That is what happened a few days earlier and it cannot be alleged that the Government was determined that way. In fact, I wanted to find out from the Home Ministry also whether the President (Discharge of Functions) Bill could be a little delayed. Now what was I told? They said, "No matter what happens; we would have the President (Discharge of Functions) Bill passed because it is a contingency measure and we do not want to take any risk. Therefore, Monday is booked for that." That is number one and there they will not give in. And, secondly, it was decided by the Business Advisory Committee and the suggestion contained in their report to this House was accepted, their decision, rather their suggestion being that the House should not sit beyond Monday at all. Now some of my friends say that it could have been passed. But you know very well that it is not like that. Some Minister had to come to pilot it. Mr Hathi does not pilot this Bill. It is piloted by the Law Minister. Was the Law Minister present at that time? I would like to know. Also where was the time for it? Was it included in the List of Business for the day? Nothing was done. It was not included even in the List of Business for Monday. Then how was it possible? Now somebody said that three days ago it had come to the House. It was only on Friday that the Message from the Lok Sabha was reported to this House, at about 2.30. On Saturday it could not have been taken up and it cannot be taken up because forty-eight hours' notice was required to take it up with the amendments to be tabled. For Monday they had decided what they should do and the decision was taken in the Business

Advisory Committee and the suggestion contained in their decision was conveyed to and accepted by the House. The Leader of the House had announced it and the House had accepted it. You may quarrel with anybody and you may abuse us. Surely now I realise that I should have created a scene in this House at that time over this issue.

SHRI A. D. MANI (Madhya Pradesh) :
You always create scenes.

SHRI BHUPESH GUPTA : I should have done it. That is right; I should have done it. I hope you will support me.

SHRI A. D. MANI . Yes, yes.

SHRI BHUPESH GUPTA : Now why do you bring in that thing that way. Why do you say that there is politics behind it? What the position actually was is clear from the materials I have placed before you, from the proceeding of the House I have quoted. Now it is a strange thing. You can say that we should have pressed for it more. You can say all that thing. But do not try to foist the blame on a particular party. It is not in good taste either. Let us sink or swim together. In this matter no one person or party was blameworthy. The record of the proceedings and the minutes of the Business Advisory Committee will bear testimony to the collective wisdom in this matter or, if you like to the collective fault in this matter. The friends who got up that day, they were not there before. Mr. Chitta Basu and Mr. Sen Gupta—the latter came later on—can claim some credit, but not others—I am not blaming anybody for that. The matter had been closed. Mr. Chitta Basu has failed to persuade and the Government would not accept the contingency of a discussion. Yet there was an attempt to scuttle the Monopolies and Restrictive Trade Practices Bill, and we see this thing now. Mr Dahyabhai Patel became very smart. He opposed the Council Abolition Bill. And then he said, "I want it to be passed." What a contradiction; what wonderful logic.

SHRI DAHYABHAI V. PATEL : Mr. Bhupesh Gupta is misleading the House and misinterpreting me.

SHRI BHUPESH GUPTA : The record will show that he spoke in different voices. I do not know whether he is for its abolition or retention. I hope he will vote for its abolition. I hope that at least he will do so, I am fully with him. So I do not think that it is very fair. I do not wish to go into this thing. Now what do we gain by it, by delaying its abolition? Suppose somebody had tried to postpone it by a month or so, nothing you can gain by it. What do you gain? As far as our party is concerned, what did we do? The House did not pass that Bill. The elections had been announced for the Council. Whether the Bill was passed or not, our party had decided that we should not contest the elections to the Council. We did not wait for the Parliament Session. Not only that, in view of the fact that the Bill could not be passed and it was pending, we sponsored in the United Front Committee that there should not be any election and we decided that the United Front should not contest the Council elections. And that happened. Then why bring in all this thing? If we wanted to gain, we could have decided otherwise and drawn daily allowance for a few days more. But nothing of the kind. We decided not to contest the Council elections in view of the fact that the Bill was pending and could not be passed. You can accuse me or anybody you like, but the *bona fides* of the United Front should not be called in question. All of us together decided not to contest this thing. Therefore the Election Commission was asked to take note of this decision, and he rescinded the decision to hold elections to the West Bengal Legislative Council. Now therefore nothing has been lost. There have been no elections to the Council. The Council is going to be abolished now. Nothing has been lost. If somebody wants to grind some political axe, he is welcome to do so, but that would not be very fair to his colleagues in this House. If we had contested the elections any one of us

[THE DEPUTY CHAIRMAN in the Chair]

I am not naming any party—if any of the fourteen parties of the United Front had contested the elections, you could have abused us and accused us that we did not want the Bill to be adopted with a view to contesting the elections and getting more lease of life there either for the Ministers or for the individuals. But nothing of the kind. It is quite immaterial now so far as that Ministry is concerned or so far as the affected Ministers are concerned. It is all over

now. The Council is going to be abolished, and no one had taken advantage of the fact that the Bill could not be passed last Session in order to get their Council going for some more time. Nobody is keen on it, neither the Congress nor we. It has been ignored. They are all waiting for the Bill to be passed. I hope the controversy will end here. But I have realised one thing, that I am so powerful in this House that I override the Business Advisory Committee, I override Madam Deputy Chairman, I override the Government and, according to Mr Dahyabhai Patel, Government acts on the orders of Bhupesh Gupta. I would like to know whether President Nixon enjoys so much power as has been attributed to me by kindly and generous friends like Mr Dahyabhai Patel and others. Anyhow, if that is so then, Madam Deputy Chairman, I am a super-House here—I hope not. Mr Dahyabhai Patel is the first Leader of the Opposition. Yes, I have some disqualification perhaps which Mr Dahyabhai Patel does not possess. And that disqualification is, I am a little more familiar with the art of parliamentary procedure. He has got very many other qualities but this is a disqualification. So why do you say such a thing? I feel very badly about it because sometimes it happens that discussion takes place and the business is settled with the people concerned. May be everybody does not have his own way. Shri Chitta Basu fought for it, others may also have their own feelings about it but then what can be done? In the Business Advisory Committee the majority obviously belongs to the majority party but the Opposition is well represented. And also the leaders of all other parties are invited apart from the regular members. So it seems my spirit hovers round everybody here. My friend used to say ten years ago that Jawaharlal Nehru did what I asked to him to do.

SHRI DAHYABHAI V. PATEL

His daughter is doing it now.

SHRI BHUPESH GUPTA : Now, he says, his daughter is doing. So from generation to generation, the Nehru family I am leading. Two generations I am leading. If Motilal Nehru was alive he would have said I was leading him also.

SHRI DAHYABHAI V. PATEL : I would never have said that. He was quite a different person.

(Interruptions)

SHRI BHUPESH GUPTA : Of course both of us were alive but we were not in the House. I am very grateful to my hon. friend, Mr. Dahyabhai Patel, for having such an exaggerated idea of my wisdom, capacity, leadership, intelligence and all the rest of it. It seems that he has got a fantastic notion about my power and ability. I would ask to him to disabuse himself of this for the country's sake.

Now, whatever it is, the episode is closed. We have not taken in the United Front even an iota of advantage because of this being passed at some other time and not a few weeks earlier. It is a great event that the West Bengal Legislative Council is being abolished. You will remember that when the news about its abolition came I was the man to get up amidst interruptions by some hon. friends here to congratulate the United Front Ministry for having shown the way by voting for the abolition of the Council. But at that time I was shouted down or sought to be shouted down by some friends here and the same friends are now accusing me. Since that time obviously according to the policy of our party, according to the stand of our party, we have been pressing for the abolition of the Council not only in West Bengal but in all the States. This is a matter which should be considered in all seriousness but my friend, Mr. Dahyabhai Patel, is opposing it. His speech was against the abolition of the Council. I will be very happy, in spite of the accusations he has made even though baseless, if he supports its abolition and votes with us in support of this Bill.

SHRI DAHYABHAI V. PATEL : I began by saying that I did not object to the Bill but that I wanted certain clarifications. This is how you mislead everybody always and some of the friends here are always willing to be misled by you, many of them on that side.

SHRI BHUPESH GUPTA : Shri Dahyabhai Patel is a shrewd businessman apart from being a leader of the Swatantra Party but he seeks clarification on a simple thing. In this matter of abolition of the Council what is the clarification about? It is abolition. If somebody is executed, he is executed...

SHRI DAHYABHAI V. PATEL : As is being done everyday in Bengal now.

SHRI BHUPESH GUPTA : There can be no clarification in this matter abolition of the Council. It has been executed; it is dead. What is the clarification you want? There cannot be a resurrection of the Council if things go well. It is a welcome decision of the United Front. We have hailed it before; we hail it now also. We hail the decision of the United Front not to contest despite the notification by the Election commission.

SHRI DAHYABHAI V. PATEL : Are not Members of the Upper House Ministers in the United Front?

SHRI BHUPESH GUPTA : Again my friend is raising that. Those who are not Members of the Council will cease to be Ministers.

SHRI DAHYABHAI V. PATEL : But they have had all this time; that is the crux of the problem. And that is where he is misleading us. You went on with your interruptions. You almost made a speech in the middle of my speech.

SHRI LOKANATH MISRA (Orissa) : You have a monopoly of everything-

SHRI BHUPESH GUPTA : I welcome interruptions because you are beautiful when you interrupt.

SHRI LOKANATH MISRA : Why-are you ugly? Be beautiful as well.

SHRI BHUPESH GUPTA : I hope to be ugly always to the Swatantra Party. At the expiry of six months those who are not Members of either House will cease to be Ministers. It is going to happen.

SHRI DAHYABHAI V. PATEL : That would have happened two months earlier.

SHRI BHUPESH GUPTA : No; the counting is taken not from the date of the passing of the Bill but from the day one joins the Council of Ministers. After six months, Bill or no Bill, they will have to resign if they are not Members. Since they have not been elected as Members of the Council the six months period remains in force exactly in the same way as if the Bill is not before us.

SHRI ARJUN ARORA (Uttar Pradesh) : The point is, in the case of those who belong to the Upper House and who are Ministers, the six month period will begin after the Bill. So they have got an advantage because this Bill was not passed earlier.

SHRI BHUPESH GUPTA : Yes; they get eight weeks advantage.

SHRI DAHYABHAI V. PATEL
You accept that from Mr. Arjun Arora but you won't accept it from me. That was what I also said.

(At this stage, the Prime Minister entered the House)

Madam Deputy Chairman, I think we will have a great statement made on the floor of the House. A momentous step has been taken and I resume my seat.

THE DEPUTY CHAIRMAN : It is at 4 o'clock. We still have about seven minutes. You finish your speech.

SHRI BHUPESH GUPTA : No. I am prepared to sit down now, because we feel very very enthusiastic about the nationalisation of banks and naturally one is most anxious to hear it the moment occasion arises.

SHRI LOKANATH MISRA : As if you don't know about it.

SHRI BHUPESH GUPTA : But on the floor of the House we are only just having. I know the Swatantra heart is beginning to bleed as every word drops from the lips of the Prime Minister.

SHRI LOKANATH MISRA : You believe in the cult of bleeding, we do not believe in that. We believe in democracy.

SHRI BHUPESH GUPTA : You believe in democracy?

SHRI LOKANATH MISRA : Yes; cent per cent.

SHRI BHUPESH GUPTA : The Swatantra Party believes in democracy, have you heard such a thing, Madam Deputy Chairman?

Now, Madam Deputy Chairman, we welcome this thing. I think the second chamber should be abolished everywhere. It has had not utility at all. Some people had certain illusions about the second

chamber, that it will fulfil certain functions. But it has been seen that the second chamber is being used for retarding the democratic processes. The second chamber is used as a counterblast to the normal democratic processes started in the lower House. The second chamber is used for pensioning off superannuated politicians, ex-Governors and many other people who are hounded out by the people in public life. The second chamber is used to bolster up an anachronistic majority in order to obstruct the work of the Legislative Assembly as is being done in the case of West Bengal.

Bills are passed and they are passed because the Congress enjoyed there a sort of amorphous, absolutely unreal, majority in the Second Chamber and that is how the Second Chamber is used. This conception came in our context mainly from the British who wanted to create a kind of vested interests in the parliamentary or Assembly politics by keeping always in their hands the handy weapon of Second Chamber to retard even the limited processes of democracy which were taking place. Now, we are a republic. We have a parliamentary system. We have got adult franchise. Everyone is elected practically in the lower House and I think that should be sovereign but in our country so many things we find. We find the degradation of parliamentary democracy—I will not name anybody theoretically. I am speaking when the Speaker of the House, while remaining the Speaker, aspires for the highest office, the Presidency. Have you heard such a thing? The Second Chamber is bad enough and you cannot separate the processes, one from the other. We have reached the stage of political manipulation and degradation of parliamentary system when the Speaker, who is supposed to be impartial and command the confidence of both sides of the House and be above politics, goes in for canvassing for support from political leaders for the Presidency without resigning from the Speakership of the House. In England this would be unthinkable. In any parliamentary democracy it would be unthinkable that the Speaker, while still remaining in office, goes in for hunting support for seeking election as the President, for example, the French Republic or for that matter any other republic. I am not naming anybody. I am discussing the theoretical proposition. I am discussing the constitutional position.

After all, why should I name anybody? I am discussing Second Chambers generally. I am discussing the degradation of the institution of Speaker in our country.

THE DEPUTY CHAIRMAN : Kindly speak on the Bill

SHRI BHUPESH GUPTA : A High Court Judge is not expected to visit the house of any executive officer and I know, even in the days of the British, when a certain executive officer invited a High Court Judge to his house, he asked him not to do so and he gave a circular that nobody should go. Leaders should go to the Speaker's house. He should invite them. No party leader is big enough in the country not to respond to an invitation to the Speaker's house, but what do we see here? The Speaker of the House goes from door to door. . .

HON. MEMBERS : No, no.

SHRI BHUPESH GUPTA : begging political support . . .

HON. MEMBERS : No, no.

SHRI N. SRIRAMA REDDY (Mysore) : Your are talking nonsense.

SHRI BHUPESH GUPTA : It is an important thing I will continue.

THE DEPUTY CHAIRMAN : You must wind up now.

SHRI BHUPESH GUPTA : I am not completing. I will continue. I am sitting now. I will continue. Because you announced four o'clock. I am sitting.

THE DEPUTY CHAIRMAN : It is not yet four o'clock. Please wind up your speech.

4 P. M.

SHRI BHUPESH GUPTA : How can I wind up in two minutes? They cannot wind up a simple thing. There have been meetings after meetings. A special emergency meeting has been called. At least I should have a few minutes. Therefore, I say this is the proposition. You discuss it. I say you are discussing the constitutional set-up in our country. You are doing away with an established thing in our Constitution which you think is wrong, namely, the upper House. In this connection I am inviting your attention to the other thing that is happening.

THE DEPUTY CHAIRMAN : We are discussing the Council.

SHRI BHUPESH GUPTA : I will continue.

**STATEMENT BY PRIME MINISTER
RE NATIONALISATION OF BANKS**

THE DEPUTY CHAIRMAN : Hon. Prime Minister.

SHRI LOKANATH MISRA (Orissa) : Madam, on a point of order. You have called the Prime Minister, I have a point of order. . .

HON. MEMBERS : No, no.

SHRI LOKANATH MISRA : Before you allow her to speak, I have my point of order. You kindly listen to it.

THE DEPUTY CHAIRMAN : You do not know what the Prime Minister is going to say.

SHRI LOKANATH MISRA : You have here circulated in the order paper that she is going to make a statement on the nationalisation of banks. I know that and, therefore, I am on a point of order. You cannot reject it before listening to me. My point of order is this. I have my point of order on two counts. No. 1 is I hope, Madam, you, as the custodian of this House would not flout as the Prime Minister flouts, the law of the land. . .

(Interruptions)

SHRI R. T. PARTHASARATHY (Tamil Nadu) : What is it?

SHRI LOKANATH MISRA : Please remain quiet. . .

(Interruptions)

SHRI R. T. PARTHASARATHY : This is a very serious allegation. . .

SHRI LOKANATH MISRA : The Prime Minister knows you are with her.

(Interruptions)

SHRI B. T. KEMPARAJ (Mysore) : That should be expunged from the proceedings.