

STATEMENT OF DECISIONS OF GOVERNMENT ON CERTAIN RECOMMENDATIONS OF THE ADMINISTRATIVE REFORMS COMMISSION IN THEIR REPORT ON 'FINANCE, ACCOUNTS AND AUDIT'

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : Madam, I beg to lay on the Table a statement of decisions of Government on certain recommendations of the Administrative Reforms Commission in their Report on 'Finance, Accounts and Audit'. [Placed in Library. See No. LT-1284/69.]

THE DEPUTY CHAIRMAN: The House stands adjourned till 2 P. M.

The House adjourned for lunch at ten minutes past one of the clock.

The House reassembled after lunch at two of the clock, **THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** in the Chair.

THE WEST BENGAL LEGISLATIVE COUNCIL (ABOLITION) BILL, 1969—Contd

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice Chairman, we are resuming the debate on the Bill to abolish the West Bengal Legislative Council. . . .

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN) : You have already spoken for half an hour.

SHRI BHUPESH GUPTA: With interruptions. If you minus that time, deduct the time spent on interruptions. . . .

SHRI SUNDAR SINGH BHANDARI (Rajasthan): You will take 40 minutes even then.

SHRI BHUPESH GUPTA: I will be extremely brief because we are giving a burial to it and we need some obituary words. It is only a funeral speech for the West Bengal Legislative Council. And I am glad that I am participating in the funeral ceremony of an institution which is contrary to our concept of parliamentary democracy and which, in fact, works against it. (Interruptions.) Do not disturb

me. Then I will take more time. I would ask my friend in Bihar also to do the same thing, to abolish it there. But here certain principles arise. The principle is this. There is no point in having a Second Chamber now because we have somewhat a going parliamentary democracy in the sense that the Lower House is elected on the basis of adult franchise and it can carry on its work. And as you see, from here we have to wait in many respects on the pleasure of the other House. Bills have to be passed. We are called upon to endorse them—not that we are called upon to endorse them, we are called upon to consider them. But our Ministerial friends do not make up their minds and that is why nothing can be changed here. How many Bills have we amended and sent to the Lok Sabha in 16 years? I think one or two instances of minor amendments could be recalled. Otherwise, we have not been able to amend any Bill out of hundreds of Bills that pass through this House. Now, what does it show? Either we are redundant or we are absolutely useless people.

SHRI P. C. MITRA (Bihar): Whatever we had to say we have said in the Joint Committee in which the Rajya Sabha is also represented.

SHRI BHUPESH GUPTA : My friend is pleased with a consolation prize. I am saying that you are pleased with it because of the travelling allowance. I am not saying it. You were on the Joint Committee. But even after the Joint Committee, they amend and you endorse, in fact. That is what I am saying.

(Interruptions)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Order, please.

SHRI BHUPESH GUPTA : I am asking you. Personally, I would say, well, the Rajya Sabha is becoming more and more an anachronistic institution in our parliamentary democracy. Now, you see. The Lok Sabha has undergone a change and this change is to be reflected in the Rajya Sabha. It will take at least eight years, that is to say, four biennial elections. Now, this time we have got from West Bengal, out of five, four on the Opposition side. You have been finished there practically. If West Bengal is to be reflected in the Rajya Sabha, then we have to wait a little, for another two years or so. Now, it is not possible under the present set-up, and we have to wait for the biennial election.

SHRI DAHYABHAI V. PATEL (Gujarat) : He is misleading the House. His mathematics is always as he likes. How many were there and how many have come after that ? He is misleading, deliberately.

SHRI BHUPESH GUPTA : Oh ! My friend thinks that I am misleading as if he is capable of being led. You are never capable of being led. So, the question of misleading does not arise. So, you understand. I am not....

SHRI DAHYABHAI V. PATEL : The whole House you mislead. How many were there ?

SHRI BHUPESH GUPTA : Six were elected, five came this time to the Opposition, one went to the Congress. But in the General Election, the Congress got 55 Assembly seats but could get only one Rajya Sabha seat, whereas the Opposition got so many seats, the rest of the seats, or at least the organised United Front got 218 out of 280. You can understand what should be the composition of the Rajya Sabha if this is to be reflected. It is understandable because the election takes place in part, and that also every two years, and not the whole lot is elected. A part retires and a part comes in. That is the position. So I think this matter should be considered a little

Now, in some places the Congress Party is using the Council to obstruct legislations. That is being currently done in West Bengal. Some believe that we are interested in it. This is a great obstruction which should go; it should not have been there at all. That is the position. (*Interruptions.*) It should have been in Gujarat.

SHRI DAHYABHAI V. PATEL : It could have been passed in the last session.

SHRI BHUPESH GUPTA : Don't say this thing again and again. It was not even in the List of Business.

SHRI DAHYABHAI V. PATEL : Even now you can do it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We have discussed it yesterday.

SHRI BHUPESH GUPTA : Again and again he says that. I hope my friend will vote for the abolition. I will press for a division.

SHRI DAHYABHAI V. PATEL : I say from the beginning I am not opposed to it.

SHRI BHUPESH GUPTA : You will vote for it ? I am very glad that at least this provocation has led him to this position that he will now vote for it. I shall be very grateful to my friend, Mr. Dahyabhai Patel, if this exchange between him and me leads to his voting in favour of the Bill.

SHRI DAHYABHAI V. PATEL : I am not against it. That is all I can say.

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, he will not vote against it. I am asking whether he will vote for it.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : We will vote for it. Now sit down.

SHRI BHUPESH GUPTA : I know that you vote for it because it is your Bill.

Finally, before I sit down—that is the last point—degradation of Parliamentary democracy is taking place and it is taking place at all levels unfortunately....

SHRI DAHYABHAI V. PATEL : We saw it only this morning before we adjourned for lunch.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Do not interrupt him otherwise he will take more time.

SHRI SUNDAR SINGH BHANDARI : He will take as much time as you would permit him to take.

SHRI BHUPESH GUPTA : Madam (*Interruption*) Mr. Chavan, as I pointed out, never says "Madam". For him it is always "Sir". Therefore, for me let it be "Madam". The Chair is neither Madam nor Sir.

Therefore, Sir, what I was saying was that degradation of parliamentary democracy is taking place. Law should be really based not only on adult franchise formally but on the very vigilant opinion of the electorate, the people would like the provision of recall to be provided in our Constitution so that when the electorate does not like a Member or thinks that he has betrayed the cause or the mandate he is recalled and not allowed to sit in the House. But the Government would not accept it. We proposed it in the Committee on Defections and it was rejected on the

ground that recall cannot work in our system. Why not? It can work.

Secondly, I think nomination should go absolutely. Even in other places we should consider this. But some minority interest would need protection.

Coming to the dignity of the Legislature, the dignity of the Lower House, the Assembly very much depends on the institution of Speaker. The Speaker is the repository of its dignity, conventions, rights, privileges and everything. For the first time since the commencement of the Constitution we have seen a Speaker seeking political nomination from political parties for executive positions. Never we heard of such things before.

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN): It is not relevant to the Bill.

SHRI BHUPESH GUPTA: It is relevant. Degradation of parliamentary institution is taking place. I say it is not enough to abolish the Councils. I am speaking on the Government Bill. You must also ensure that the other Houses function with greater dignity. Mr. Mavalankar never wanted to be the President. Mr. Ananthasayanam Ayyangar never wanted to be the President. Every Vice-President of the Rajya Sabha was lifted to Presidency. But exception has been made. Mr. Vice-Chairman, in the case of Mr. Giri and the same exception has been made in the case of the other House to the detriment of parliamentary democracy by putting up the Speaker for the Presidency. Now, you may take advantage of the situation and you may think that it would help you. But we are shocked to find that this candidate of the Congress Party is only a candidate of the caucus. He is a candidate of five men not to talk of the nation. He is a candidate of the ruling party at the Centre. Can you believe such things? It is most tragic that the candidate was found from the precincts of Parliament from the highest position in the Lok Sabha. That is my quarrel. I have no personal quarrel with anybody.

SHRI DAHYABHAI V. PATEL: Mr. Vice-Chairman, this is absolutely irrelevant. He is using this occasion to make propaganda for the candidate that he has sponsored. This is irrelevant.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I have not sponsored any candidate. I have not filed the nomination for

any candidate. But surely we are supporting his candidature...

SHRI DAHYABHAI V. PATEL: You are using this occasion for propaganda purposes....

SHRI BHUPESH GUPTA: We are not. We went by convention...

SHRI DAHYABHAI V. PATEL: There was no convention.

SHRI BHUPESH GUPTA: The convention is that the Vice-President became the President when the post fell vacant.

SHRI DAHYABHAI V. PATEL: The convention is not what you say.

AN HON. MEMBER: One swallow does not make a summer.

SHRI DAHYABHAI V. PATEL: It is not one swallow.

SHRI BHUPESH GUPTA: You will not swallow it. I did not get up to say anything then. But we are proud of him. He began his career in 1913 in Dublin when he sided with the Irish Revolution and was exiled from Ireland. He was associated with Mahatma Gandhi at the time of the First World War. He began his career by protesting against the British rule in Ireland. He ended his Presidential career here, acting as the President, by signing the Bank Ordinance for the nationalisation of the banks. That was a happy beginning and this is a happy end of a tenure of office, happy beginning with Mahatma Gandhi and a happy end arising out of the decision to file his nomination for Presidentship...

SHRI ABID ALI (Maharashtra): Did he vote for Mr. Giri when he was standing for Vice-Presidentship?

SHRI BHUPESH GUPTA: If I have not voted for him I will do so now.

SHRI ABID ALI: He has not voted for him with all his qualifications. Ungrateful man...

SHRI BHUPESH GUPTA: If he is a good man, will you vote for him?

SHRI ABID ALI: ...such a bad man you are.

SHRI BHUPESH GUPTA: Well I am a bad man. But you are a good man. Then vote for him.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please finish.

SHRI BHUPESH GUPTA : Therefore, I do not want to say very much. We have seen two people have left. The Speaker has left and the Vice-President has also left. This is certainly relating to the institution of parliamentary democracy. Therefore, I have referred to it from the point of view of stressing what should not be done in the future. It is a matter of degradation of the institution of parliamentary democracy that the Speaker of the Lok Sabha permitted himself to be a caucus candidate and indulged in canvassing when he was still holding the office of the Speaker. That is all I have to say....

SHRI ABID ALI : Hundred per cent. bunkum.

SHRI BHUPESH GUPTA : ...I do not want to take more time. Let it be passed today with my amendments, which means as soon as it is passed here it should get the assent of the President. I have given my amendments. I want to point out that there should not be a provision for notification. The Government should not delay. All that is required is passage of the Bill here and then assent by the President immediately thereafter. I would only request Mr. Hathi to convey to the Home Minister and the Prime Minister that if the Bill is passed today assent should be obtained tomorrow so that day after tomorrow the Bill can come into force in West Bengal and the Council is abolished once and for all never to be revived again.

SHRI MONORANJAN ROY (West Bengal) : Mr. Vice-Chairman, Sir, I am proud that this Bill for the abolition of the Legislative Council has come at the initiative of the United Front in West Bengal. One of the 32-point programme of the United Front was the abolition of the Council. They have in their first Session introduced the Bill, got it passed and, thanks to the other sections of the Legislature, the Bill was passed in the two Houses unanimously. Now, Sir, you know that this Legislative Council can only be compared with the appendix in the human body. Medical men have not been able to find out what actually is the function of the appendix, excepting that it is of nuisance value. As a matter of fact, during normal times for a healthy human being it has not got any function at all. So

also the Council has no function except dittoing whatever is passed by the Lower House. We found that the Council was dumped with the representatives of the vested interests, and representatives of the landlords and capitalists. They were there to support any reactionary Act and oppose any progressive Bill or resolution and any progressive outlook. This very Legislative Council was completely mum when hundreds of people, workers, peasants and toiling people of West Bengal were shot down by the Congress Government. But now we find that whenever a legislation for land reforms or any such progressive Bill comes, this Legislative Council opposes that. During the discussion we heard from some of the hon. Members that it is a brake. Yes, it is a brake on any progressive law. It is acting as a brake and we do not want that this brake should remain which stands in the way of passing any progressive Bill or resolution.

Sir, I would not like to go into details as to why this Bill should be passed in this House also unanimously. I would like to mention one or two points arising out of the discussion here. My hon. friend and leader of the Swatantra Party, Mr. Dahyabhai Patel, expressed his apprehensions and, according to him, there is no law and order in West Bengal. I would like to mention that perfect peace is maintained in West Bengal.

SHRI DAHYABHAI V. PATEL : But not law.

SHRI MONORANJAN ROY : Those who have been using land illegally, so long, as 'benami' land, those who have been depriving the workers of their earned wages, those who have been depriving not only the workers but the Government of India also by non-payment of provident fund contribution and non-payment of the E.S.I. contributions given by the workers—as much as Rs. 2 crores of provident fund has not been deposited—are the only people who are now afraid. If my hon. friend, Mr. Dahyabhai Patel is taking the brief of those people, then I am afraid it is a bit difficult for them nowadays in West Bengal. I, on behalf of the toiling people of West Bengal, can tell you that we shall not tolerate the landlords enjoying the land illegally as they have been enjoying for the last 20 years. We shall not tolerate those capitalists who avoid payment of

earned wages [to the workers, who do not deposit the provident fund contributions, and who have been taking law into their own hands. So long there was no law and order for the toiling people. Law and order was there only for the capitalists and the vested interested in West Bengal. Those days are being changed. I do not know whether this is also against the Constitution, as we heard in the discussion a few hours back. But whatever that might be, we know that in the name of the Constitution, the High Courts and other courts are issuing orders and injunctions *ex parte*. Even without the knowledge of the workers against whom the injunction is to be used, injunctions are issued, thereby depriving the State Government of its discretion regarding the use of force in relation to the workers. The police is being forced by the orders of the Court to use force against the striking workers or the workers who have not got their wages for months and months. Now when they go before the management or the proprietor or the owner asking for their wages, the Court comes to their aid. I do not know whether it is according to the Constitution or not. That is why one of our hon. Members, my friend Mr. Niren Ghosh told you how the Court is being used nowadays against the progressive actions of the Government. Tomorrow we shall see more; more will come. Anyway, the point is that a campaign of slander has been launched against us throughout India. Let the Member himself go there. I can assure him that he need not be apprehensive of any law and order situation there. He will be protected all right. We shall take that responsibility. But we shall never take responsibility for these landlords who have been depriving the peasants of their land and keeping the land in their own hands illegally. We shall never protect those capitalists who have deprived the workers of their wages and who have not deposited the provident fund and E.S.I. contributions taken from the workers. We shall never protect them from the wrath of the workers. That does not mean that the workers will take the law into their own hands. No. No where has any such incident taken place. Yesterday we discussed about Durgapur.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We are dealing with the abolition of the Upper House in West Bengal.

SHRI MONORANJAN ROY : Yes, Sir. I raised a point of order...

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) : Sir, he is making his maiden speech; he should not be interrupted.

SHRI NIREN GHOSH : This is his maiden speech, and Mr. Dahyabhai Patel has said all sorts of things...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : To that extent I allowed him. He has replied to that.

SHRI DAHYABHAI V. PATEL : That is why I am not interrupting him, though I could contradict every word of what he is saying.

SHRI LOKANATH MISRA : I may submit that generally no Member should make controversial points in his maiden speech.

SHRI NIREN GHOSH : Who says so?

SHRI LOKANATH MISRA : If he makes a controversial maiden speech, then there has to be interruption.

SHRI DWIJENDRALAL SEN GUPTA : Nobody should be disturbed when he is making his maiden speech.

SHRI MONORANJAN ROY : Yesterday I raised a point of order as to whether the question of law and order, gherao and other things has got any relation with the question of abolition of the Legislative Council, and it was Mr. Dahyabhai Patel who was raising that question. But I was ruled out by the Vice-Chairman. So I now take the opportunity to give some reply on behalf of the toiling people of West Bengal. The toiling people of West Bengal have suffered very much for the last 22 years, but they are not taking the law into their hands. We have seen the propaganda, the propaganda about Rabindra Sarovar, Durgapur issue and other things. I would like to inform the House that only a few days back there was an agreement in Durgapur between the representatives of the unions and the Deputy Chief Minister, the Labour Minister and the Management of the Durgapur Hindustan Steel Ltd. After that everything is going on well in Durgapur. Certainly in Durgapur the question is not political but of labour trouble. The representatives of the union, which has not been recognised so long, have again and again raised the question of some defects

[Shri Monoranjan Roy]

in the machinery and in the planning. But that was not heard by the management, by the typical bureaucrats. They tried to cow down the workers by means of the so-called law and order issue. There is one union which is not represented and which has got only a minority there and that union is now trying to sabotage the Durgapur Plant and that union belongs to anti-labour forces. Unfortunately one of the wings issued a strike notice without any reason. The reason, if any, is only political with which they are now moving. That is why I have mentioned these few points about West Bengal although I too do not think that during the discussion on this particular Bill these points should be raised. I have mentioned these points only in reply to two or three points raised in yesterday's debate.

I support the Bill and I hope that this will be unanimously passed and that it will be immediately implemented in West Bengal.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, सबसे पहले मैं बंगाल की जो संयुक्त मोरचे की सरकार है उसको इस काम के लिये मुबारकबाद देना चाहता हूँ। वहाँ की जो संयुक्त मोरचे की सरकार है उसने यह एक काम बहुत बढ़िया किया क्योंकि जब से यह कांस्टीट्यूशन बना तब से हमारी स्वाहिश रही और बराबर हमने इसकी मांग की कि विधान परिषदों को नहीं रहना चाहिये। विधान परिषदों को समाप्त करने की जो हमारी स्वाहिश थी उसके और बुनियादी कारण है मगर उसकी इधर अर्जेंसी आई। माफ कीजिएगा हमको थोड़ा तोलने में देर लगती है, हम अपने हिन्दी के शब्दों को आपके समझने लायक ट्रांसलेट करते हैं क्योंकि आप जब बैठते हैं तो हमारे बोलने में गड़बड़ हो जाती है। तो इधर जो तमाम इसमें खामिया और गड़बड़िया आई उसके बारे में समझाने के लिये मैं आपके जरिये कांस्टीट्यूशन को थोड़ा पढ़ना चाहूंगा। यह अनुच्छेद 169 है। हिन्दी की काफी पता नहीं क्यों हमको नहीं देते, इसलिये अंग्रेजी में पढ़े देता हूँ :

"Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in 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."

इसको हमने पढ़ा इसलिये कि अगर डाह्याभाई यहाँ होते तो वह इसकी भाषा को कुछ समझ लेते और इस संविधान के अंदर ही यह दिया हुआ है, उनको इसके लिये भूपेश गुप्त को या किसी दूसरे को दोषारोपण करने की जरूरत नहीं थी। वह इसी संविधान में है कि जहाँ दो हाउसेज हो वहाँ विधान परिषद को समाप्त करने का और जहाँ एक ही हो वहाँ एक को और बनाने का, ये दोनों अधिकार इस संविधान में हैं कि वहाँ की असेम्बली को दो तिहाई बहुमत से प्राप्त करना चाहिये। तो इसमें मान लीजिए कि कहीं वहाँ दूसरी पार्टी आ जाये या कोई ऐसी असेम्बली आ जाये वह अगर चाहे कि हम यहाँ पर फिर लेजिस्लेटिव कौंसिल बना दे तो वहाँ से प्रस्ताव पास करने में भेज सकती है। एक बात और मैं उनकी जानकारी के लिये बताना दूँ कि हर काम में कम्प्युनिस्टों के ऊपर सारे का सारा इलजाम नहीं देना चाहिये। अगर इसका इलजाम है तो इसका सबसे बड़ा इलजाम है "ससोपा" पर, संयुक्त सोशलिस्ट पार्टी पर। बंगाल के लोगों को मालूम होगा कि बंगाल की असेम्बली में सबसे पहले कौंसिल को अबालिश करने का मसविदा रखा संयुक्त सोशलिस्ट पार्टी के विधायक ने और उसके बाद यह सही है कि यूनाइटेड फ्रंट, संयुक्त मोरचे की सरकार ने इस चीज को एडाप्ट कर दिया। इसलिये हम अपने को भी मुबारकबाद करते हैं, यानी ससोपा को, और उसी को साथ साथ संयुक्त मोरचे का भी और मैं यह जरूर चाहता हूँ कि कहीं ना कहीं यहाँ पर एक और संकेत होता, इशारा

होता, कि अपने देश में जितने राज्य हैं, जहाँ जहाँ भी दो हाउसेज हो, सब जगह विधान परिषद भंग कर दी गाय। श्रीमन्, इस समय कांस्टीट्यूशन के साथ फाइट कितना हो रहा है, इस समय संविधान के साथ कितना घोखा हो रहा है। यदि इस समय विधान परिषद के सभी मेम्बरों की तालिका सूची, लिस्ट, यहाँ होती तो उसमें से आकर देखते कि जिनको राज्यपाल नामिनेट करता है, वह किसको करता है और किन को करता चाहिये। देखिये :

"The members to be nominated by the Governor under sub-clause (c) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, science, art, co-operative movement and social service."

अगर देखा जाय कि राज्यपाल महोदय जिन जिन को नामिनेट करते हैं वह किस कैटेगरी में आते हैं तो मालूम होगा वह किसी कैटेगरी में नहीं आते। जिहाको चीफ मिनिस्टर माहब ने अपने गुट को मजबूत करने के लिये लाना चाहा या जिस पर कृपा वर्षा करनी चाहिये उसका नाम उन्होंने सक्सेस्ट कर दिया और बिना किसी कैटेगरी का खयाल करते हुए राज्यपाल महोदय ने उनको विधान परिषद का सम्मानित सदस्य बना दिया। तो इस कांस्टीट्यूशन के साथ बड़ा ज़रूरत घोखा हो रहा है और जनता के धन का ज़रूरत दुरुपयोग हो रहा है। इसलिये मुझे बुरी है कि कम से एक एक राज्य, पश्चिमी बंगाल, ने तो यह अगुवाई की कि विधान परिषद को भंग किया जाय और पार्लियामेंट की राज्य सभा अंतिम रूप से अपने यहाँ से इसको पाग करके इसको ऐसी स्थिति प्रदान कर रही है जिससे कि यह अधिनियम की शक्ल में आ जाये, कानून की शक्ल में आ जाय।

मूपेश गुप्त जी ने यह बात बिलकुल ठीक की कि इसमें कोई समय नहीं रखा है, यानी कब से यह इफेक्ट में आयेगा, यह कानून कब से लागू होगा। तब सभा में पास होने के बाद

हमारे सदन से पास हो गया तोभी यदि सरकार चाहे, और कहां से डोरी घूम जाये, तो पता नहीं इसकी कितने दिन अंधकार में रख सकती है, इसको लागू नहीं किया जा सकता है। इसलिये मैं चाहता हूँ फौरन फौरन राष्ट्रपति इस पर अपनी स्वीकृति प्रदान करें और और यह सरकार इसको कानून की शक्ल में बनाने में अगुवाई करे।

श्रीमन्, जब हमारे सदन के सम्मानित सदस्य इस विधेयक पर बोल रहे थे तो बहुत से तर्क वितर्क हुए। मैं उन तर्क वितर्क में नहीं जाऊँ तो मैं अपने फर्ज को पूरा नहीं करूँगा इसलिये मैं आपकी इजाजत चाहूँगा कि आप मुझे कुछ मौका दें ताकि मैं उन मुद्दों पर थोड़े थोड़े में चला जाऊँ। मैं चाहता हूँ कि पश्चिमी बंगाल की सरकार, जो शोषित पीड़ित जनता है, जो मजलूम महलूम है उनको उठाए। मैं चाहता हूँ, पश्चिमी बंगाल की संयुक्त मोरचे की सरकार है वह जो वहाँ का दरिद्र तबके का किसान है, दरिद्र तबके का मजदूर है, जो वहाँ के मेहनतकश है, जो वहाँ के रहने वाले है, उन सब को आगे उठाए और तरक्की करने का विशेष मौका दे, विशेष अवसर दे। इसलिये मैं नर्हेदिल से चाहता हूँ कि यह काम वहाँ पर हो। मगर केवल तरक्की तरक्की तरक्की जीभ से नाम लेकर तरक्की नहीं होगी, केवल शांति शांति शांति कहने से शांति नहीं होगी। उसके लिये कुछ काम करने होंगे। मुझे अफसोस के साथ कहना पड़ता है कि जहाँ यह अच्छे काम हैं वहाँ बुरे काम भी है। आप सब लोग अच्छी तरह से जानते हैं कि संसोपा वहाँ की संयुक्त मोर्चा सरकार में शामिल नहीं हुआ। क्यों नहीं शामिल हुआ? इसलिए शामिल नहीं हुआ कि संसोपा में उनको एक कार्यक्रम दिया। संसोपा ने कहा कि तुम्हें यह काम करना है, यह काम करना है, यह काम करना है। जितनी भी अनइकोनोमिक होर्डिडस हैं उनका लगान माफ कर दो, तुम अपनी मादरी जवान में काम चलाओ और, अंग्रेजी की गुलामी मत

[श्री राजनारायण]

करो। तुम एक सीलिंग बांध दो। तुम समान शिक्षा प्रणाली अपनाओ और तुम इतनी दूरी तक शिक्षा मुफ्त और माफ कर दो। आज तक संयुक्त मोर्चे की सरकार के मुख्य मंत्री और उप मुख्य मंत्री को इस बात की हिम्मत नहीं हुई कि वे संसोपा के खत का जवाब दें। आज तक उनके पास से कोई जवाब नहीं आया और इसिलिये आपको मालूम होगा कि संसोपा संयुक्त मोर्चे की सरकार में अभी तक शामिल नहीं हुई। संसोपा ने संयुक्त मोर्चे की सरकार के सामने जो कंक्रीट प्रोग्राम रखा था, जो कार्यक्रम बतलाया था उसको पूरा करने के लिए संयुक्त मोर्चे की सरकार तैयार नहीं है और न उसमें क्षमता दिखलाई देती है। अगर उसमें क्षमता होती तो जो खत संसोपा ने संयुक्त मोर्चे की सरकार को लिखा था उसका जवाब दिया जाता।

श्रीमन्, मुझे आप माफ करेंगे, कि मैं इस बक्त इस तरह की बातें कह रहा हूँ क्योंकि मंडम, स्पीच के नाम पर यहां पर दूसरे तरीके से इस तरह की चर्चा की गई है जैसे कि पश्चिमी बंगाल में लोग स्वर्ग में वास कर रहे हैं। वही वजह हुई कि मैं यहां के संबंध में कुछ बात कह दूँ कि मैं मुक्त भोगी हूँ। मैं इनके की चोट में कहना चाहता हूँ कि कोई माई का लाल हमारे साथ चले और वहां की हालत को देखे कि वहां पर लोग स्वर्ग में वास कर रहे हैं या कोई दूसरी हालत है। जब मैं वहां पर यकायक चला गया था तो मुझे 200 और 250 मजदूरों ने घेर लिया। 10 और 11 की रात के करीब 2 बजे 230 मजदूर हमारे पास आये। हम इस समय आसनसोल के सर्किट हाउस में ठहरे हुए थे मैं बिहार के सोशलिस्ट कैम्प में शामिल होने के लिए वहां गया हुआ था। वहां के मजदूरों ने कहा कि हमारी हालत बहुत खराब है। मैंने उनसे कहा कि मुझे जाना है। उन्होंने कहा कि हमारी हालत देखिये किस तरह की हो गई है। मैंने इस संबंध में ए० डी० एम० को टेलीफोन किया जो राजस्थान के रहने

वाले थे। वे मुझे अच्छी तरह से जानते थे। उन्होंने कहा कि राजनारायण जी आप इन लोगों को हिम्मत दिलाइये कि वे वहां पर जायें और हम उनके लिए पुलिस का इंतजाम कर देते हैं। हमने जब मजदूरों से कहा कि ए० डी० एम० यह कहता है कि तुम लोग अपने अपने घरों को जाओ वे तुम्हारी सुरक्षा के लिए पुलिस का इंतजाम कर देंगे। तो उन्होंने कहा कि हमारी हिम्मत फिर वापस जाने को नहीं होती है क्योंकि पुलिस भी उस दिन वहां पर मौजूदा थी जब हमको जबर्दस्ती घरों से निकाला जा रहा था और हमारे घरों में आग लगाई जा रही थी। इसके बाद हमने फिर इस संबंध में ज्योति बसु से टेलीफोन में बातचीत की और वे बड़ी आसानी से मिल गये। उन्होंने कहा राजनारायण जी आप घबराइये नहीं, मैं इस बारे में अभी ए० डी० एम० से बात करता हूँ। उन्होंने ए० डी० एम० को टेलीफोन किया और आप सब लोग जानते ही हैं कि जब कोई मंत्री टेलीफोन किसी अफसर को करता है तो उसे एकदम टेलीफोन का कनेक्शन मिल जाता है मगर आध घंटे तक हमें कुछ मालूम नहीं हुआ कि उनकी क्या बातचीत हुई और न हमें कोई जवाब मिला। आध घंटे के बाद फिर हमने ए० डी० एम० को टेलीफोन किया कि मजदूर हमें जाने नहीं दे रहे हैं। मैं देवघर कैम्प में जाने वाला हूँ और जब तक इनका इंतजाम नहीं हो जाता है मैं कैसे जा सकता हूँ। उन्होंने कहा कि मैं साढ़े बारह बजे पुलिस फोर्स भेजूंगा और फिर उन्हें आप जाने के लिए कहिये। हमने वहां पर पुलिस पोस्ट बिठला दी है और वह वहाँ पर पेट्रोलिंग कर रहे और अब उनके लिए कोई खतरा नहीं है। मैंने कहा कि इन लोगों को वहां पर जाने की हिम्मत नहीं हो रही है और तुम इस संबंध में कुछ करने नहीं जा रहे हो। मैं अब खुद वहां जाकर हालत देखना चाहता हूँ। इसलिए मैं वहां पर गया और मेरे साथ वहां के यूनियन के सेक्रेटरी भी थे। मैं उनका नाम इस समय भूल रहा हूँ। जहां पर आग लगाई गई थी वहां पर दो आदमी बैठे

हुए थे। हमने उन पूछा कि आप बनारस और गाजीपुर के होंगे उन्होंने अपना नाम बतलाया और कहा कि हम जोनपुर के रहने वाले हैं। मुझे वहाँ की हालत को देखकर दुःख हुआ, आश्चर्य हुआ और गुस्सा भी आया। मैं इस सदन में के की चोट में कहना चाहता हूँ कि मैं एक दिन वहाँ जाऊँगा और वहाँ पर जो गुन्हागर्दी हो रही है उसका मुकाबला करूँगा, अपनी शक्ति से करूँगा क्योंकि मैं भागने वाला नहीं हूँ। मैं यह बात कहकर वहाँ से आया हूँ। मैं चाहे जमीन में गड़ जाऊँ, मर जाऊँ मगर मैं वहाँ के लोगों को तकलीफ में देखना नहीं चाहता हूँ। उन दो आदमियों ने कहा कि हमें कम्युनिस्ट पार्टी वालों ने भेजा है। मैंने 5 मिनट तक समाजवाद और बराबरी के संबंध में लैक्चर दिया। उन्होंने कहा कि हम चले जाते हैं क्योंकि हम आपका नाम जानते हैं। बनारस और जोनपुर से लगे हुए वे यादव लोग थे। वैसे ही हम वहाँ पर पहुँचे थे तो करीब 250 लोग जो बल्लम, बछे, भाले और लाठियों से लैस थे यह कह रहे थे, मारो साले को, मारो साले को, कांग्रेसियां आया है। बालेश्वर पांडे जा बलिया के हैं, आसनसोल में रेलवे मजदूरों में काम करते हैं और पश्चिमी बंगाल के जो संसोपा प्रेजिडेंट हैं वे भी हमारे साथ थे। उन्होंने कहा कि खबरदार, वे कांग्रेसी नहीं हैं, ये तो राजनारायण जी हैं, संसोपा के हैं और यहाँ पर जांच करने के लिए आये हैं। एक मिनट तक तो हमको वहाँ की इस हालत से घबराहट आई और हमने कहा कि हम उनका मुकाबला करेंगे। हमने कहा कि हिम्मत के साथ और ताकत के साथ खड़े रहें। अगर भागोगे तो मारे जाओगे और खड़े रहेंगे तो नाफ बच जाओगे। तो हम लोग खड़े हो गये। उनमें से एक आदमी ने हमको पहचान लिया और कह कि ये तो राजनारायण जी हैं जिन्हें कच्छ आन्दोलन के सिलसिले में हमने 400 रुपये का चन्दा दिया था। उसके बाद हम सब लोग खड़े हो गये और मैंने कहा कि मैं भागूंगा नहीं और जब तक मैं नहीं मरूँगा तब तक तुम को कोई नहीं मार सकता है।

पहले हम मरेंगे और बाद को कोई तुम्हें मार सकता है।

श्री ललमत्र यात्री : (बिहार) ये बात विधेयक में कहां पर आती है।

श्री राजनारायण : मैं जानकारी के लिए ये बातें बतला रहा हूँ। यहाँ पर सब तरह की बातें वहाँ के संबंध में कही गई हैं इसलिए मैं भी यह घटना बतला रहा हूँ। मैं यह घटना इसलिए बतला रहा हूँ। ताकि श्री भूपेश गुप्त और जेड अहमद साहब इस बात को सुनें, मैं उन्हें न्योता देता हूँ कि वे मेरे साथ वहाँ पर चलें और वहाँ की हालत को देखें कि इस तरह की घटना हुई या नहीं।

श्रीमन्, 14 अप्रैल को हमने श्री ज्योति बसु को संबंध में अपनी रपट दी, पूरी रपट दी मगर उन्होंने अभी तक इस संबंध में कुछ नहीं किया। आज तक मुझे मालूम नहीं कि उन्होंने इस संबंध में कुछ किया या नहीं। इस तरह की वहाँ पर हालत हो रही है फिर भी यह कहा जाता है कि वहाँ पर अमन चैन है वहाँ पर मजदूरों के हकों की हिफाजत पूरी तरह से हो रही है और वहाँ पर मजदूरों के हक महफूज है।

आगे श्रीमन्, यह कहना चाहता हूँ कि हमारे मित्र ने जो बात बरबस कह दी सरोवर काण्ड की संबंध में। रवीन्द्र सरोवर घटना के संबंध में मैं चुप रहता मगर हमारे रहते हुए इस तरह की घटना हो जाय वह शर्मनाक बात है। अगर मैं इस घटना के प्रतिकार स्वरूप खड़ा नहीं होऊँगा तो मैं दुर्बल कहा जाऊँगा। हमने श्री ज्योति बसु को बंगाल हाउस में कहा था कि हम कमिशन के सामने गवाही देने के लिए तैयार हैं। अगर कमिशन हमें बुलाये तो हम इस संबंध में गवाही दे सकते हैं। लेकिन आज तक कमिशन से हमारे पास गवाही देने के संबंध में कोई चिट्ठी नहीं आई है। कमिशन हम से गवाही ले सकता है क्योंकि हमारे पास इस संबंध में इन्फार्मेशन है। हम इस

[श्री राजनारायण]

संबंध में जानकारी पाये है और मैं चाहता हूँ कि कमिशन इस संबंध में हमारी गवाही ले। श्रीमन, मैं एक नागरिक हूँ, गरीब हूँ और देहात में पैदा हुआ हूँ। यह सही है कि हमारे मां बाप बहुत पुराने घनी थे। हम इस कांड के सिलसिले में बम्बई गये और वहाँ हमने अशोक कुमार का दो दिन तक बयान लिया और उनका इस संबंध में पूरा बयान लेकर आये हैं।

श्री डाह्यामाई व० पटेल : पढ़ दीजिये।

श्री राजनारायण : इस समय नहीं है। अशोक कुमार ने कहा कि हमारा नाम नाहक दो महोने तक घसीटा गया। मैं मद्रास में था। एक दिन यकायक लोग आ गये और मुझ से कहा गया कि वहाँ पर जो आयोजन किया जा रहा है उसमें ज्योति बसु और वहाँ की सरकार के जो खेलकूद के मंत्री हैं वे आयेगे। इस तरह से तमाम बातें हुई। आज कम्युनिस्ट हिस्ट्री में इस कांड के संबंध में लोगों से कंफेशन कराया जा रहा है, झूठी गवाहियाँ दिलाई जा रही है और लोगों से गलत बातें कबूली जा रही है। इस तरह की जो बातें हो रही हैं वे भविष्य के लिए और आगे के लिए अच्छी नहीं है। हमारे दोस्त इस तरह का रस्ता अख्तियार कर रहे हैं जो उनके लिए ही भविष्य में मुजर हो जायेगा। आज हम परेशान हैं कि किस तरह से स्टे-आर्डर हो गया है। अगर जांच कमिशन के सामने झूठी गवाही कराई जायेगी, दबाव में झूठी गवाही दिलाई जायेगी, लालच द्वारा झूठी गवाही दिलाई जायेगी तो कमिशन किस तरह की जांच करेगा। क्या इस घटना की जानकारी लोगों को नहीं हो पाई है? क्या सत्य और असत्य लोग नहीं जानते हैं? हमें अशोक कुमार ने बतलाया कि करीब 6 लाख रुपये का चन्दा वसूल हो रहा है और वह 6 लाख रुपये का चैक आप मंत्री जी को देगे लेकिन श्री राजनारायण जी 6 लाख रुपये तो क्या, होटल का बिल भी किस तरह से

चुकाया गया, यह भविष्य और भगवान ही जानता है।

क्या अशोक कुमार के साथ जो और ऐक्ट्स गये थे उनको चोटे नहीं आई हैं। उनकी चोटों को हमने देखा है। फिर भी यहाँ पर आ कर के कहा जाता है कि रवीन्द्र सरोवर कांड का बड़ा हल्ला हुआ। रवीन्द्र सरोवर कांड का जितना हल्ला होना चाहिये था उतना हल्ला नहीं हुआ है। रवीन्द्र सरोवर कांड की जिस ढंग से जांच होनी चाहिए थी उस ढंग से जांच नहीं हुई है। इसीलिये हमने कहा था कि उसकी इंडिपेंडेंट जांच हो और उसमें महिलाओं को भी रखा जाय जिस से महिलाएं जाकर के उनके सामने अपनी बात कह सके। बड़े अफसोस के साथ मैं इन बातों को कह रहा हूँ। इन बातों को कहना नहीं चाहता चूँकि कुछ सम्मानित सदस्यों ने अनावश्यक ढंग से इस विधेयक पर बोलते हुये इस वाक्य का जिक्र इसलिये हम को भी इस सम्बन्ध में कुछ कहना पड़ा।

मैं आज कहना चाहता हूँ कि नक्सलबाडी में मैं चार दिन रहा हूँ और वहाँ की चप्पा चप्पा जमीन पर गया हूँ। पूरी लिस्ट हमारे पास रेवेन्यू डिपार्टमेंट की है कि कम्युनिस्ट पार्टी के कितने ऐसे लोग हैं जिन के पास 25 एकड़ से ज्यादा जमीन है। माफ करियेगा, हमने आपका नाम नहीं लिया है। कितने ऐसे कम्युनिस्ट पार्टी के नेता हैं जिन के पास 25 एकड़ से ज्यादा जमीन है जब कि वहाँ का कानून यह है कि किसी के पास 25 एकड़ से ज्यादा जमीन नहीं होनी चाहिये। हमारे मार्क्सवादी कम्युनिस्ट जो यह कहते हैं कि हम जमीन छीनेगे, मैं उनको यकीन दिलाना चाहता हूँ कि वे जमीन छीनने के लिये चले, मैं उनके साथ हूँ। लेकिन इस तरह से छोटी छोटी में लड़ाई करवा कर के जो एक लॉलेसनेस को क्रिएट किया जाता है वित्ताबाद खड़ा किया जाता है, उसका मैं विरोधी हूँ। हम इसको तरक्की की संज्ञा नहीं देते हैं। हम इसको प्रगति और

प्रोप्रेस मानने के लिये तैयार नहीं है। हमने भी मार्क्सवाद का अध्ययन सिस्टेमेटिक ढंग से किया है। मगर हमें काम को तरक्की का नाम दे देना, हर अराजकता को विकास कह देना, यह बिल्कुल अपूर्ण जबान के साथ घोखा है, जबान का दुरुपयोग है, नाजायज इस्तेमाल है। इसलिये मैं अब मित्र भूपेश गुप्ता की जो भी बता देना चाहता हूँ कि उन्होंने इस विधेयक पर बोलते समय और भी कुछ बातें कहीं हैं। ठीक है, अच्छा है मगर मैं कह रहा हूँ कि ऐसा तर्क पेश न किया जाय जो अपने ही गले में फँस जाय। हम जब डा० जाकिर हुसैन के खिलाफ अपना कैडिडेट खड़ा किये थे और श्री सुब्बाराय ..

कुमारी शांता शशिष्ठ (दिल्ली) : अब क्यों, नहीं किया।

श्री राजनारायण : अब भी कर रहे हैं। काहे घबड़ा रही हैं ?

SHRI BHUPESH GUPTA : I do not want to disturb him. All I would like to say is that it is most unfortunate that Dr. Zakir Husain's name has come. It is true that all of us contested him but I tell you, ask your Prime Minister, a consensus was reached with regard to Dr. Zakir Husain. Ultimately the same Syndicate scuttled that. Go and ask your Prime Minister and come and tell us.

श्री राजनारायण : भूपेश जी का तर्क ठीक है। उन्होंने जो जानकारी कराई वह बिल्कुल ठीक है कि प्राइम मिनिस्टर ने सुझाव दिया था, लेकिन सिंडीकेट ने उसको नहीं माना और इसलिये कंटेस्ट हो गया। अगर यह कहा जाय कि जो वाइसप्रेसिडेंट है उसको प्रेसिडेंट होना है। चाहिये हर हालत में, तो इसको मैं मानने के लिये तैयार नहीं हूँ। मगर मैं भी भूपेश जी के साथ डा० जाकिर हुसैन की मुखालिफत में शामिल था क्योंकि उस प्रिंसिपल को माना के लिये मैं तैयार नहीं था कि जो भी ऐर गैरा, टाम, डिक ऐंड हैरी किसी समय वाइसप्रेसिडेंट हो जाय, वही बाद में प्रेसिडेंट भी बन जाय।

SHRI BHUPESH GUPTA : I agree.

श्री राजनारायण : हमारा इनका ऐग्रीमेंट हो गया, मिलन प्वाइंट आ गया। इसलिये इस तर्क को इस लाजिक को यहां पर नहीं लाया जाना चाहिये।

हां, यह सही है कि श्री वी० वी० गिरी ने इस्टेब्लिशमेंट के खिलाफ आवाज उठाई है और इसलिये हमारे मन में उनके प्रति मुहब्बत बढ़ गई है। भूपेश जी ने अपनी बात कह दी है, हम ने अपनी बात कह है, मगर ऐसी बात नहीं है कि हमने श्री० वी० वी० गिरी का समर्थन ही कर दिया है। क्या स्थिती होगी, 24 तारीख के बाद कौन होगा, क्या होगा, तीसरा कैडिडेट आयेगा या नहीं आयेगा, यह मैं अभी बताने की स्थिति में नहीं हूँ। मगर यह सही है कि श्री वी० वी० गिरी के लिये हमारे दिल में मुहब्बत बढ़ गई है। मैं श्री वी० वी० गिरी को पहले से जानता हूँ। जब मैं उत्तर प्रदेश की विधान सभा में था तब वे वहां के राज्यपाल रह चुके हैं। यहां पर भी वे हमारे चेयरमन रह चुके हैं। हम उनके कार्यों से परिचित हैं। हम उनकी खूबियों, दुर्बलताओं आदि सभी से परिचित हैं। ऐसा आप न समझिये कि हम उनके दुर्बलताओं से परिचित नहीं हैं। मगर आज जो हालात हैं उन हालात में कम से कम एक इंसान तो ऐसा पैदा हुआ जिस ने इस्टेब्लिशमेंट के खिलाफ अपनी आवाज उठाई, और वह मदान में जम कर के खड़ा हो गया। लेकिन मैं इतना बता देना चाहता हूँ कि श्री वी० वी० गिरी को जितना नुकसान प्रधान मंत्री ने पहुंचाया है उतना नुकसान और किसी ने नहीं पहुंचाया है। इस ग्रेट लेडी ने यह एक ग्रेट आदमी के मुंह का शब्द है श्री वी० वी० गिरी का सब से ज्यादा नुकसान किया है। अब इसका नक्शा क्या होगा, यह हम नहीं जानते हैं। इस लिये अनावश्यक ढंग से श्री वी० वी० गिरी का नाम ले कर कोई उनका प्रचारक और समर्थक बनने की कोशिश न करे। उससे बहुत सी रूकावटें पैदा होंगी।

[श्री राजनारायण]

जहाँ तक अपोजीशन पार्टीज की एकता का प्रश्न है, उसके सम्बन्ध में यहाँ पर कुछ कहने की आवश्यकता नहीं है। इस समय आवश्यकता यह है कि जो विधेयक है उस विधेयक को तह दिल से, पूरी ताकत के साथ और एक स्वर से हम पास करें और सारे देश में जहाँ जहाँ बिधान परिषदे हैं वहाँ वहाँ विधान परिषदों को भंग किया जाय। आप कह सकते हैं कि यह अप्रासंगिक है, आप कह सकते हैं कि यह इर्रेलिवेंट है, मगर यह इर्रेलिवेंट कैसे है। इस समय संविधान में परिवर्तन हो रहा है और एक जगह जहाँ दो हाउसेज थे वहाँ एक हाउस खत्म किया जा रहा है। इसकी भी यहाँ पर बड़ी चर्चा हुई कि क्या हम इस संविधान को बुनियादी तौर पर तब्दील कर सकते हैं या नहीं कर सकते हैं। मैं इसको दावे के साथ कहता हूँ कि अगर मार्क्सवादी कम्युनिस्ट यह कहते हैं कि इस संविधान को टोटली चेंज करने के लिये वे इस संविधान की व्यवस्थाओं को इस्तेमाल करेंगे तो इसमें कोई अवैधानिकता नहीं है। मैं डेकेकी चोट पर कहता हूँ कि इस संविधान में ऐसी ऐसी बातें हैं जो वेस्टेड इस्टेड्स को कायम रखना चाहती हैं। जब कांस्टिट्यूट असेम्बली बनी थी तो हम लोगों ने अपना ड्राफ्ट कांस्टिट्यूशन भेजा था और हम लोगों ने उसका बायकाट किया था। उस समय हम कांग्रेस में थे मगर हमने कांस्टिट्यूट असेम्बली का यह कहते हुये बायकाट किया था कि अंग्रेजी साम्राज्यवाद की छत्रछाया में यह संविधान बन रहा है और यह हमारे देश की शोषित पीड़ित और मजलूम जनता का प्रतिबिम्ब नहीं होगा। अगर हम यह कहें कि संविधान का हम बुनियादी तौर से परिवर्तित करेंगे तो यह कहना कोई असंवैधानिक काम नहीं है। जिन लोगों ने यह बड़ा ह्यूएंड फ्राइ मचाया उनको इस बात को समझ लेना चाहिये। हमने उस बयान को देखा है, उसमें यह कहीं नहीं लिखा है कि हम कांस्टिट्यूशन को अन्डरमाइन करेंगे। क्या

कांस्टिट्यूशन में यह हक नहीं है कि हम उसकी चारबाँों को चेंज कर सकें।

उपसभाध्यक्ष (श्री अकबर अली खान) : राजनारायण जी, आप फरमा चुके हैं उस बारे में।

श्री राजनारायण : तो हमको ज्यादा समय लेने की जरूरत नहीं है, हम उठते ही नहीं केवल इन बातों को कहना चाहते थे इसलिए, कह दिया। फिर आखिर में मैं निवेदन करना चाहता हूँ कि किसी बात को जांच-पड़ताल करके ईमानदारी से कहो; केवल प्रोपेगन्डा के लिए, केवल गलत प्रचार के लिए और किसी एक की बात को काटने के लिए इस सदन में असत्य भाषण नहीं होना चाहिए। मैं शुरू से इस बात को कहता रहा हूँ। अगर हमारी गलती है, उस गलती को कोई पाइन्ट आउट करता है तो मैं उसको कबूल लेता हूँ, लेकिन अगर कोई यह चाहे कि हमको धमकी देकर या बम्बास्टिक शब्दों का प्रयोग करके या मार्क्स, लेनिन, ट्राटककी, माओ आदि का नाम लेकर डरवा दे तो वह हम नहीं है। हमारी मार्क्सवाद की परिभाषा है। इसलिए मैं सीधे-सीधे कहता हूँ कि इस विधेयक को सर्वसम्मति से पास करो। 'क्रान्ति' शब्द नहीं है, क्रान्ति एक काम है, वह काम जब तक न हो, क्रान्ति शब्द से ही कोई भला नहीं होता। इसलिए गरीबों का उत्थान चाहने वालों, गरीब को तरक्की की राह पर ले जाने वालों, मजलूमों-महसूमों के हाथों में ताकत देने वालों अपने दिल को चीरो और देखो कहां क्या है। बनावट के रास्ते पर चलने से सचाई छिपाई नहीं जा सकती।

SHRI K. CHANDRASEKHARAN (Kerala): Sir, a large part of this debate has been taken on the aspects of delay in passing this legislation. It is unfortunate, Sir, that even accusations have come from hon. Members against other hon. Members imputing motives to them in regard to the delay in the passing of this legislation. I should think, Sir, that this legislation could have been and ought to have been passed before the Session of this House

ended last time. But at the same time, Sir, it is not possible, particularly on account of what may be called as imputed motives or imputed silence on the part of certain Members, it is not possible that on account of that this legislation was not passed. This legislation was not passed because—I would put it this way—all sections of this House did not co-operate in the passing of this non-controversial legislation. It is clear, Sir, during the discussion of this Bill, that all sections of this House have supported this measure. But even then there has been delay in the passing of this measure. I submit, Sir, that this is a warning to all of us as to how we should function particularly in the passing of legislations which are of a non-controversial nature.

Sir, bicameralism is a creature of the mediaeval past, a relic of feudalism, creating an institution of non-trust in the mass of the people as a whole. It is not known, Sir, as to how the framers of the Constitution thought it fit to have two Houses of Legislature, particularly for the constituent States of the Union of India, and as to why they chose to limit it to nine out of the States created. Even though under Article 168 provision was made for two Houses for nine of the States, we find immediately in the following Article, Article 69, a provision of an enabling nature, a provision by which legislation the Constitution itself is amended but not to be treated as a Constitutional amendment. We find that, in the Constitution itself, in this manner, provision was made for such of those States, who did not want an Upper House, to take away that Upper House. It is obvious therefore, Sir, that it was with great reservations in the minds of the framers of the Constitution that they thought it fit to have an Upper House for even the nine States mentioned in Article 168.

Then, Sir, without any discrimination whatsoever, the constituencies from out of which the Legislators in the Upper Houses are to be elected or selected are the graduates' constituency, the teachers' constituency and the local authorities' constituency. This again appears to be rather without any rationale or classification. It will be seen, Sir, that no reasons can be suggested as to how, in the large number of special classes that exist in a country, graduates can constitute a class, teachers can constitute a class and local authorities can constitute a class and only these three classes should be represented in the

Upper Houses. I should think, Sir, that the provisions contained in Article 168 of the Constitution are absolutely schemeless and purposeless. And that was the reason why the Constitution-makers themselves incorporated Article 169 in the Constitution so that this provision can be taken away when the States or such of those States do not require it.

Sir, we have found that this Constitution in working practice, has been requiring a large number of amendments. We are today passing, Sir, a Constitution (Amendment) Bill, but then we do not feel that it is a Constitution (Amendment) Bill only because of the special provision contained in clause (3) of Article 169 that this will not be treated as a Constitution (Amendment) Bill, even though the real effect of the Bill that we are legislating is to make amendments to the Constitution, particularly in regard to Article 168 and certain portions of the Fourth Schedule.

I submit, Sir, on going through the provisions of the Constitution, and particularly seeing the Constitution in its working during the last about twenty years, that this Constitution is to a large extent, by and large, except the provisions contained in Part III relating to Fundamental Rights, a mere copy of the provisions of the Government of India Act, 1935. I am not saying anything disparaging of the Constitution or the Constituent Assembly that made this Constitution but it is a fact that the major provisions contained in this Constitution except the provisions contained in Chapter III thereof relating to Fundamental Rights are copied by and large from the provisions of the Government of India Act, 1935. The Government of India Act, 1935, even during the very small period that it worked, from 1937 to 1939 when we had legislatures based on the Government of India Act, 1935, was found to be absolutely defective but in spite of the fact that we had seen these defects and recognised the difficulty arising out of the defects and lacuna in the provisions of the Government of India Act, 1935, nonetheless I do not know why, Sir, the makers of the Constitution did not have the foresight, if I may use that word without meaning any disrespect to the makers of the Constitution, to make fundamental deviations at least in regard to those provisions from the Government of India Act in the Constitution they ultimately made.

[Shri K. Chandrasekharan]

The Government of India Act, 1935, is again, by and large, a copy of the provisions contained in the British parliamentary system. The British parliamentary system has not grown out of legislation but has grown through the ages, if one may say so, out of conventions, traditions and practices, and those conventions, traditions and practices were significant in their absence here because of the circumstances, because there was no possibility of those conventions, traditions and practices developing in this country which was under British rule. We have copied a parliamentary system which is, by and large, the result and effect of those conventions, traditions and practices and we today find ourselves absolutely at sea in so far as many of the provisions of the Constitution are concerned only because that this Constitution has been fitted into a country which cannot in any way draw from that Constitution or abide by the provisions of that Constitution in actual working and functioning. In so far as the Fundamental Rights provisions are concerned to a large extent the makers of the Constitution copied the human rights that were evolved by the United Nations and copied from various other provisions of the Constitutions which were made 50 or 100 years back and adopted in countries where there was a developed economy or a clearly developing economy and applied to a country where there was an underdeveloped economy, a stagnating economy, an economy which needed accelerated development so that the people can sustain. And what is the result? Sir, to say the least, the provisions contained in Chapter III of the Constitution incorporating the so-called Fundamental Rights of individual citizens have turned out to be the biggest blockade against the implementation of social and economic legislation in this country.

I was sorry when one at least of the hon. Members of this House stated this morning that there was a partisan judiciary. That word was used against the Supreme Court of the country possibly and we find that being used by politicians day in and day out against the High Courts and against the Supreme Court when certain judgement of the High Court or that of the Supreme Court turns out to be against an Act or legislation of the State or the Central Government particularly in relation to article 19 or article 31 of the Constitution incorporating certain

Fundamental Rights in regard to the individual and in regard to the individual's property. I submit that neither the High Court is at fault, nor the Supreme Court is at fault. The courts in this country have got to apply the law as has been put forward by Parliament. The Constitution has to be applied as it stands and the greatest difficulty we had on account of the decision of the Supreme Court in what is now well known as Golak Nath's case. It has been the attempt of both the Houses of this Parliament to get out of the difficulty caused by the judgement of the Supreme Court in Golak Nath's case and the Government went to the extent of supporting a non-official Bill. A Joint Select Committee was constituted and the Report of the Joint Select Committee is now before the other House and yet, Sir, we find that no steps at all of any serious nature are being taken to get rid of the effect of the Golak Nath's case judgement so far as the powers of Parliament to amend the provisions of Chapter III of the Constitution relating to Fundamental Rights are concerned, particularly for taking away such of those Fundamental Rights or restricting the scope of those Fundamental Rights of the individual *vis-a-vis* the society as a whole, the individual citizen *vis-a-vis* the country as a whole. I submit, Sir, that the absence of a constitutional amendment to take away the effect of the Golak Nath's case judgement by removing or curtailing clearly some of the rights contained in articles 19 and 31 of the Constitution may stand in the way of implementation of the Banking Law Ordinance that the Government has issued the other day. I have absolutely no doubt that as things stand at present the Supreme Court is likely to strike down the Banks nationalisation ordinance as offending articles 19 and 31 of the Constitution. That happens not on account of the Supreme Court, not on account of the High Court of any particular State or States, but Parliament is at fault. Why is it that we are not prepared to own up that fault? Why is it that we are not prepared to see that the Semi-feudalistic provisions contained in articles 19 and 31 of the Constitution are suitably amended so that the country can move forward with the nationalisation of banks which large sections of this House and of the other House and probably 80 to 90 per cent of the country as a whole think is absolutely essential for the developing economy of this country and for the fulfilment of the Fourth Plan? Why

is it that we are not able to move in this direction and what is it we are concentrating only on small Constitution amendment measures?

I take this opportunity to impress upon the Government the necessity of passing as early as possible the Bill sponsored by the hon. Mr. Nath Pai. I commend to the Government the immediate bringing forward of a legislation to amend the provisions of Part III of the Constitution, particularly articles 19 and 31, and if that is not done I have no doubt that the Supreme Court of this Country and the High Courts of this country have got to apply the provisions of articles 19 and 31 as they stand today incorporated in the provisions of the Constitution and it will be impossible for anybody to suggest that the Supreme Court is feudalistic or the High Court is feudalistic or that the courts in this country are against radical legislation. Sir, the courts of the country are not concerned with the radical aspect of any particular legislation; the courts are concerned only with the legality or otherwise of the legislation and its constitutional validity. And if we are not prepared to amend the provisions of the Constitution I submit, Sir, that there is no use of making this dark and ignorant criticism of the courts of this country and making out as if the courts in the country are against progressive legislation. The difficulty really is, we are making progressive legislation but the provisions of the Constitution are retrograde, the provisions of the Constitution are not progressive enough to contain the progressive legislation that Parliament makes in accordance with the so-called powers under the Constitution but those powers are not there in the Constitution. Really it is this difficulty that we have got to remove in the coming months if not in the coming weeks.

One more aspect and I am closing. The provisions of this Constitution, again, whether they relate to the legislature, whether they relate to a unicameral Legislature or a bicameral Legislature, whether they relate to the executive or to the Governor, are more or less incorporated only in terms of a single-party Government. I submit that it is not necessary to amend the Constitution as and when the nature of the Government changes, but if difficulties arise on account of the fact that in a large number of States in this country, and possibly in future, God knows in the Centre also, if coalition Governments come into existence, the provisions of the

Constitution should be able to respond to the needs and requirements of the coalition Governments in the country. The provisions in the Constitution as they stand today are not able to respond to the particular and unique requirements of the coalition Governments that have been formed in many of the States. I submit that the Government ought to have taken this opportunity to consult the eight remaining States where there are Upper Houses. The entire scheme adumbrated in article 168 of the Constitution with regard to bicameral Legislatures should be reviewed and the system of unicameral Legislatures should be brought into being in all the States in this country. This is a legislation of expediency. Just because the West Bengal Legislative Assembly has passed a resolution, immediately a legislation of this nature has been brought forward. Instead of making piecemeal legislations like this, it ought to have been the responsibility and duty of the Central Government to consult the eight remaining States and find out whether they would like to think on these lines, whether they would like to bestow their deep consideration to this matter. Nothing of the kind has been done. Therefore, we are having only this piecemeal legislation. Let at least this piece of legislation be passed, so that it may be an example, a light and a guide to other States where there are these unnecessary Upper Houses. Thank you.

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh) : Mr. Vice-Chairman, while I support the Bill, I would like to make a few observations of a general character. The Constitution and the provisions of the Constitution envisage the establishment of Second Chambers in the States. I am not going to argue the merits or demerits of the existence of Second Chambers as such. I would like to say that the Constitution in article 168 contemplated that the Legislature should consist of an Assembly and a Legislative Council. No doubt, it has given powers, by virtue of article 169, to the State Assemblies either to retain the existing Councils or to abolish them by means of a special majority. Of course, in political science we find two kinds of representations to the legislative bodies. One is territorial representation and the other is functional representation. There are two views in political science about the desirability of having these Second Chambers. One may object to the constitution of Legislative Councils in such a manner that they are mere duplicates of the First

[Shri K.P. Mallikarjunudu]

Chamber, but if they are constituted on a different basis, on a different principle, I should think there should not be any serious objection to having Second Chambers. You know that certain students of political science have stated that there should be two Chambers, one Chamber having territorial representation and the other having functional representation. If really the Second Chambers are constituted on the principle of functional representation, I personally do not find any objection to their constitution. Even in the case of Legislative Councils, as contemplated under the Constitution, you will find that principle in operation. How are these Legislative Councils constituted under the Constitution? They are partly made up of representatives elected by the Assembly, partly by the local bodies, partly by graduates, and partly by teachers. In order to introduce the principle of functional representation, our Constitution-makers brought in representation on behalf of teachers. I should think that Second Chambers should be constituted on that principle. There are doctors, lawyers and so many other functionaries. All those functions must be represented on a particular body. Because the First Chamber is constituted on the principle of territorial representation, it is not possible to combine these two principles in one Chamber. So, what I would like to say is that the Second Chamber must be constituted on this functional basis. If lawyers, doctors, teachers, businessmen and so on and so forth are asked to elect their representatives and constitute a body like the Legislative Council, I do not think there is any reason for objection. That is my view. What I would say is that instead of asking for the total abolition of the Council, the West Bengal Legislative Assembly should have asked for a constitutional amendment by which these Legislative Councils can be reformed and reconstituted on a different basis. Anyhow, under the present Constitution they are entitled to do so and they have passed a resolution with the requisite majority. It is for Parliament to pass the law. Even there the Constitution-makers are careful enough to say that Parliament may by law do it. Parliament is not compelled, is not bound to do it. It is not mandatory on the part of Parliament to pass a law to that effect.

But anyhow because the legislatures, in their wisdom, thought that the Council

is not necessary and it is superfluous, certainly it is for Parliament to respect their wishes and abolish the Council. Still I think they ought to have gone into the matter more deeply and they should have bestowed more thought on this question. They ought not to have been guided by a doctrinaire approach. They should have considered the matter on merits and then they should have proposed a scheme, as suggested by me. Then, I would have felt happier. Still, because they passed it by a majority, it is only proper on our part to accept it and agree to the abolition of the Council by means of a parliamentary legislation.

With these few words, I resume my seat.

श्री जगत नारायण (हरियाणा) : वाइस-चेयरमैन महोदय, मैं इस बिल को सपोर्ट करने के लिये खड़ा हुआ हूँ। मुझे बहुत लम्बी तकरीर कोई नहीं करनी है, मैं तो सिर्फ दो बातें कहना चाहता हूँ। आपकी वसतत से वजीर महोदय से यह कहना चाहता हूँ कि जिस तरह से इस बंगाल के अपर हाउस को एबालिश करने के बिल के लिये वक्त लिया गया, पिछले सेशन में यह पास हो सकता था लेकिन नहीं हुआ, उसी तरह से पंजाब के अपर हाउस को एबालिश करने के लिये वक्त न लिया जाय, मैं चाहता हूँ कि उसको एबालिश करने का जो बिल है वह कम से कम इसी सेशन में खत्म हो जाना चाहिये, यह न हो कि लोक सभा में पास करा ले लेकिन राज्य सभा में अगले सेशन के लिये रख लें। मैं समझता हूँ कि यह नहीं होना चाहिये, क्योंकि वहां से मेजारिटी से पास हो कर वह यहां आपके पास आ चुका है और यह भी झालूम हुआ है कि वह बिल इस सेशन में पेश हो रहा है, तो मैं वजीर साहब से यह कहूंगा कि पंजाब लेजिस्लेटिव कौंसिल को एबालिश करने का बिल इसी सेशन में दोनों हाउसेज में पास हो जाय। एक दरखास्त तो उनसे मैं यह करना चाहता हूँ और दूसरी दरखास्त मैं यह करना चाहता हूँ कि जिस तरह पर नान-कांग्रेस गवर्नमेंट्स ने यह फैसला किया है—दो नान-कांग्रेस-गवर्नमेंट्स ने अपर हाउस को एबालिश करने का फैसला किया है—उसी तरह पर क्या अच्छा हो कि जहां जहां पर हमारी

कांग्रेस गवर्नमेंटें काम कर रही हैं वहां वहां वे भी यह फैसला करें कि जो अपर हाउस है उनको हमें एबालिश कर देना है ताकि सारे हिन्दुस्तान में एक युनिफार्मिटी हो, ताकि सब जगह एक किस्म का हो...

श्री जगदम्बी प्रसाद यादव : (बिहार) : राज्य सभा का क्या हो !

श्री जगत नारायण : राज्य सभा के लिये तो आप सोचिये, मेरा तो खत्म होने वाला है ।

श्री शीलभद्र यात्री : राज्य सभा के लिये आपको क्या अधिकार है, यह कांस्टीट्यूशन असेम्बली का काम है न आपसे होने वाला है न लोक सभा से होने वाला है, चुपचाप बैठिये ।

श्री जगत नारायण : मेरी यही दरखास्त है कि दूसरे सूबेजात में जो अपर हाउसेज हैं उनके लिये भी जहां जह पर कांग्रेस गवर्नमेंट्स हैं उनको नान कांग्रेस गवर्नमेंट्स को फालो करना चाहिये । मुझे यही कहना है, इससे ज्यादा कुछ नहीं कहना है ।

SHRI NIREN GHOSH (West Bengal) : Mr. Vice-Chairman, I stand here to refute Shri Rajnarain from A to Z. It is unfortunate. It is all lies, slanders, distortions and what not.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : He is not here.

SHRI NIREN GHOSH : I cannot help it if he is not here. Unfortunately he is not here. I put the question : why does not this party which is a constituent part of the United Front raise the question in the United Front? I would like to ask Shri Rajnarain through you, Sir : does he know that Shri Devan Sen of the same party probably does not agree with a single word of what he has said? I would also ask Shri Rajnarain why it is, when in the Rathibati colliery some 700 workers had been overthrown and their quarters had been demolished, have not seen Shri Rajnarain raise his voice in their favour.

As regards the Rabindra Sarobar incident, he said that the Commission should ask him. He should himself volunteer. I say what Shri Rajnarain

has said is an insult to Bengal, insult to the youth of Bengal.

(A) *this stage, Shri Rajnarain came and occupied his seat*

SHRI RAJNARAIN : What happened is an insult to the whole country, insult to Bharat, insult to the womanhood of India.

SHRI NIREN GHOSH : He does not know what he is talking about. He is a very good friend of mine but sometimes I see him in the company of devils. Why I do not know. Sometimes he goes astray.

SHRI RAJNARAIN : Think yourself what you are. I am in your company. Are you a devil.

SHRI NIREN GHOSH : I throw up a challenge. Let a Parliamentary Team be sent and investigate things. I have no hesitation in accepting that challenge. Three trucks of sarces—nobody has said that. He insults the youth of Bengal who have always fought for just causes. Shri Devan Sen does not agree about the Asansol incident. He told me it is disruptive of the United Front also, and he has his own version to say. It is peculiar. He could have talked to his constituent party. He could have raised it in the United Front. He has brought it before Parliament. I do not want to waste more words. That is why I have brought this question. I emphatically refute all those things.

SHRI RAJNARAIN : A personal explanation.

SHRI NIREN GHOSH : I could also give a personal explanation. That is another thing.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Have you finished?

SHRI NIREN GHOSH : One minute more. As regards the Rajya Sabha itself, the Upper Chamber, it represents the States. Its character is different. The States are looked after on the basis of language and nationalities. Some sort of thing should represent. We have got to consider in the future India how the nationalities can be represented. That is a separate question.

[Shri Niren Ghosh]

As regards Shri Dahyabahi Patel, his story, because they represent one per cent of the vested interests, that is why the people are challenging them. He says there is a reign of terror. Everybody knows what the Swatantra Party is. I do not want to go into that.

Lastly, I would advise Shri Rajnarain with all humility and as a friend, not as an opponent—let him mark my words, he is a friend, I do not want to quarrel with him as I quarrel with the Swatantra Party and others; he is my friend, on many matters we fight together—I think the S.S.P. or Shri Rajnarain should consider it a hundred times instead of raising such issues in Parliament. He can have it discussed there; his party can broach this issue; we can have other means. We do not want to shy away from anything. We are prepared to go into the whole thing. As a constituent part this is not the way. I think, whether he likes it or not, this gives grist to the mills of the reactionaries. I hope he will not do such a thing in future. That is a hope I can express. It is for him to consider the question.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) Mr. Mookherjee.

श्री राजनारायण : श्रीमन्, मुझे आप एक मिनट मौका दें पर्सनल एक्सप्लेनेशन के लिये देखिये, नीरेन जी के भाषण के आखरी वाक्य से मैं पूर्णतः सहमत हूँ। मैं चाहता हूँ कि श्री नीरेन घोष जी जो चार्ज हमने लगाये हैं उनकी जांच कर लें। हमने अपने मित्र भूपेश जी गुप्त और श्री गोपालन को भी कहा था जब बनारसी प्रसाद की हत्या हुई थी कि हमारे साथ चलिये, घटना की जांच कीजिए। हमने 13 अप्रैल की बात बता दी और कहा हमारे साथ चलें और घटना की जांच करें। हमने ए० डी० एम० की जिस मोटर पर डंडा पड़ा था वह मोटर भी दिखा दी। और क्या यह सत्य नहीं है कि संयुक्त मोरचे की सरकार में संसोपा शामिल है। क्या यह सही नहीं है कि हम संयुक्त मोरचे में हैं, चाहे उसमें हमारे मंत्री नहीं हैं जब कि हमसे छोटी एक एक दो की पार्टियां वहां हैं। कारण क्या है। मैं चाहता हूँ कि नीरेन घोष जी...

SHRI NIREN GHOSH When SSP cannot agree ...

श्री जेड० ए० अहमद (उत्तर प्रदेश) : क्या दो दो स्पीचें होंगी राजनारायण जी की?

श्री राजनारायण : मैं नीरेन घोष जी से भी और डा० जेड० ए० अहमद से भी कहना चाहता हूँ वह भी देखने चले जायें। संयुक्त सोशलिस्ट पार्टी के चेयरमैन एस० एम० जोशी ने चिट्ठी लिखी कि इसका जवाब दीजिए लेकिन आज तक श्री ज्योति बासु और अजय मुखर्जी का जवाब नहीं आया। 13 अप्रैल को मैं जाकर ज्योति बासु से मिला हूँ कि आप मेरे खत का जवाब तो दीजिए। Whether you are going to implement all these programmes or not? ज्योति बासु आप इन कार्यक्रमों को पूरा करने जायेंगे या ही। ज्योति बासु ने कहा कि मैं जवाब भेज दूंगा। आज तक जवाब नहीं दिया...

SHRI BHUPESH GUPTA : May I suggest one thing? Both Mr. Ajoy Mukherjee and Mr. Jyoti Basu are here. I think, we need not spend time here. Both of us can go to them.

श्री राजनारायण : फिर रवीन्द्र सरोवर के बारे में मैं आज डंके की चोट में कहना चाहता हूँ कि ज्योति बासु ने कहा था आप बुलाये जायेंगे। मैं आज भी जाने के लिये तैयार हूँ लेकिन मुझे नहीं बुलाते। मुझे बुलायें (Interruption) मैं चाहता हूँ नीरेन घोष की और हमारी दोस्ती कायम रहे मगर नीरेन घोष को एक चेतावनी देना चाहता हूँ कि हम सर कटा कर सरदर्द की दवा नहीं करेंगे, यह बात समझ लें। सर कटा कर सरदर्द की दवा करना संसोपा ने छोड़ दिया। एक वाक्य मैं डंके की चोट में कहना चाहता हूँ, किसी दूसरे को समझना है तो समझ लें और देश को बताना चाहता हूँ कि देश की जनता मुने कि सर कटा कर सरदर्द की दवा दूढ़ना बंद करो, आज हमारा सर कटने जा रहा है।

SHRI BHUPE H GUPTA : Mr. Rajnarain should know that Mr. Jyoti Basu cannot summon a Commission of Inquiry. The Judge can summon. If the Judge is not summoning . . .

श्री राजनारायण : I know the procedure.

जज ने यह कहा है कि "हियरसे इविडेन्स" मैं नहीं लूंगा। हमारे राम मभी हियरमे है। मैं वहां नहीं था घटनास्थल पर, मगर हमारे पास जो लोग आए हैं, हमको जो सबूत मिला है, हमारे पास जो अशोक कुमार का बयान है, अशोक कुमार बोलते गये हैं और तीन आदमी लिखते गये हैं मैं, रामसागर मिश्र एम० एल० सी० उत्तर प्रदेश, और बम्बई के एक आदमी तिनो लिखते गये हैं। हमने कभी नहीं कहा कि 3 ट्रकों में माड़ियां भर कर गई हैं मैंने कभी भी सदन में यह बात नहीं कही कि इस तरह से ट्रकों में माड़ियां भर कर गई। हमारे गैर हाजरी में इस तरह की बात हमारे खिलाफ कही गई। मैंने तो सिर्फ यह कहा था कि तीन ट्रकों के अन्दर टूटी फूटी कुर्सियां, टेबल भरे थे और उनमें माड़ियां भी थी। अगर श्री उड अहमद साहब माड़ियां के कुकर्म पर पर्दा डालना चाहते हैं तो डालें। वे हम से उम्र में थोड़े बड़े हैं और इसलिए हम उनकी इज्जत करते हैं। अगर वे एक दो माड़ियां से इस कुकर्म पर पर्दा डालना चाहते हैं और खुश हो जाते हैं तो वे ऐसा कर सकते हैं। मगर मैं कहना चाहता हूँ कि सत्य पर पर्दा नहीं डाला जाना चाहिये।

SHRI PRANAB KUMAR MOKHERJEE (West Bengal) : Mr. Vice Chairman Sir, I support the Bill. Since yesterday we have been having a discussion over the abolition of the West Bengal Legislative Council. From a constitutional point of view, I think that the introduction of the Second Chamber in the State Legislature is something new in the Indian Constitution. Even the makers of the Indian Constitution had genuine doubts about the usefulness of this House. So, when the draft of the Constitution was placed before the House during the making of our Constitution, the Draft Committee did not formulate anything about the pattern of the Second Chamber in the State Legislature, and subsequently, at the request

of Dr. Rajendra Prasad, the then President of the Constituent Assembly, a pattern was formulated by Dr. Ambedkar, and it was based on an amendment moved by the then Constituent Assembly Member, Mr. Shibani Lal Saxena.

It has been pointed out by some Members of this House that a Second Chamber is necessary. So far as the constitutional propriety is concerned, we do not think that a Second Chamber in the State Legislature serves any useful purpose. In a federal constitution, there are a number of States constituting the Federation. At the Centre there is a Second Chamber which represents the interests of the States. So is the case with the USA, the USSR and India. But so far as the State Legislature is concerned, I do not find any Second Chamber in the State Legislature in the federal constitutions of the USA or the USSR. There are 50 States in the USA and in not one single State Legislature there is a Second Chamber.

It has been stated by one of the hon. Members that the Second Chamber provides for various representations, particularly of the interests of the various professions, trades, occupations, etc. But so far as the functioning of the West Bengal Legislative Council is concerned, I say that neither the interests of the various classes nor the professional interests are properly represented in it. Practically the 17 years' functioning of this House in West Bengal will show that it was used only to accommodate the defeated Ministers or to make room for the favourites of the party bosses in the Legislature. From a constitutional point of view as well, it serves no useful purpose. I do not find any single piece of legislation which was changed substantially in the Legislative Council; practically it gave a ditto to any Bill that was passed by the State's Legislative Assembly. So, I do not find any reason for running a costly luxury ornament like the Legislative Council of West Bengal.

It is not the case with West Bengal alone. I think all the Legislative Councils in the States should be abolished immediately and through you, Sir, I would request the hon. Law Minister to draft a Bill so that the Legislative Councils may be abolished without any further delay. Even the makers of the Indian Constitution did not think that a Legislative Council would serve any useful purpose. The way in which a Legislative Council can be created or abolished is through ordinary

[Shri Pranab Kumar Mokherjee]
law-making; technically speaking, it does not need an amendment of the Constitution. The provisions regarding the amendment of the Constitution do not include the creation or abolition. Under article 169, by a simple method the Legislative Council can be created or abolished. Moreover, the functioning of the Legislative Council in West Bengal is quite unsatisfactory. As I have already told you, it has served no useful purpose. Not only that. Sometimes, as when a popular Government came in West Bengal, the Legislative Council there tried to create obstructions. Even today we hear that it is going to pass a censure motion against the West Bengal UF Government. When the United Front Government has an absolute majority in a popular House, I do not find any reason for maintaining a House like this which goes against the wishes of the people.

Some of my friends in this House have spoken against the United Front Government on this issue. I do not think that one should answer those points. It can only be stated, and stated categorically, that the United Front Government in West Bengal is based on the people's will, it is not at the mercy of some of the hon. Members here. The people of West Bengal have voted the United Front into power with an absolute majority, which the Congress could not dream of. So, the actions taken by the United Front Government are with the sanction of the people there and I do not think there is any reason to vilify the United Front Government by taking up each and every issue and by taking the shelter of the floor of this House.

Much has been said about Rabindra Sarobar incident and other incidents and so on and so forth. I would like to point out that already a Commission of Inquiry is functioning about the Rabindra Sarobar incident, to inquire into the accidents and incidents there. If anybody has any knowledge about it, he should go and straightaway appear before the Commission. There is no bar. That should not be taken as an issue to slander the United Front Government which has popular backing in that State and to vilify it.

Sir, before concluding, I would like to point out another thing. Of course, it does not have any relation with the abolition of the State's Legislative Council. Somebody has pointed out that even the Rajya Sabha where we have assembled

should be abolished. I do not find any reason for it. It is a constitutional House and until you can change the Indian Constitution radically, you cannot change it as you can change the West Bengal Legislative Council so easily, because that does not require an amendment of the Constitution. But to change the Council of States, it requires an amendment of the Constitution and it will require, I think, a special majority, and it is a complicated process. Not only that. In a federal constitution, there is the utility of the Second Chamber. We do not represent only the interests of the people; we have to look after the States. And so far as I remember, certain provisions give power to the Council of States which power even the House of the People is not enjoying. Naturally, I think that the idea of abolishing this House is somewhat a fantasy.

With these words, I request the hon. Law Minister to implement the abolition of the West Bengal Legislative Council without any further delay so that reactionary House which is functioning and creating obstruction to the popular Government in West Bengal be abolished.

Thank you.

SHRI ARJUN ARORA (Uttar Pradesh) : Mr. Vice-Chairman, Sir, I rise to oppose this Bill. I am surprised that the so-called radicals and the so-called rightists have both come out vocally in support of this Bill which aims at the abolition of the Legislative Council in West Bengal. I think the voice of sanity will prevail and that both the rightists and the leftists will reconsider the matter. (*Interruptions*).

The origin of this Bill is queer. A particular set of Parties in West Bengal came to power as a result of the United Front's victory which has been called by the various speakers as the victory of the popular forces. Then they found that in the Upper House in West Bengal they did not have a majority. That is exactly what the Upper Houses are supposed to do. The Upper Houses are provided for in any Constitution to be a safeguard against sudden changes. . .

SHRI Z. A. AHMAD (Uttar Pradesh) : In a progressive direction.

SHRI ARJUN ARORA : In any direction. Today in West Bengal in the Council there is a majority of Con-

gressmen. If that House is allowed to continue, after six years, the Upper House will also have a majority of the United Front as its members if the United Front remains popular for six years. And then, maybe, all of a sudden there is a Rabindra Sarovar again or there is some wrong done by the parties of the United Front and the United Front is voted out of power in the Lower House, then the situation will be that the Congress will have a majority in the Lower House and the United Front, after six years of popularity, will have a majority in the Upper House. The Parliamentary Government, the democratic Government, the constitutional Government is so designed as to provide safeguards against many dangers. There is the Legislature, there is the executive, there is the Supreme Court. . .

SHRI PITAMBER DAS (Uttar Pradesh) : That danger is there in all the States.

SHRI ARJUN ARORA : That danger is there even in the country. In our House itself during the last two years the strengths of the Opposition has grown and it will grow during the next two years. The strength of the Opposition in the Rajya Sabha has grown and it will grow in 1970.

The Upper Houses are provided firstly as a safeguard against sudden changes which may be brought about by an outburst of popular emotion. If the trend of the people, if the thinking of the people has permanently changed then after six years the same trend may have a majority in both the Houses. So why demolish the Upper Houses which are a very valid safeguard against sudden changes?

Also the Upper House provides continuity. It provides continuity though it reflects the changes in the people's mood. And, thirdly, it is a revising Chamber though by change so far . . .

SHRI Z. A. AHMAD : You stay where you were forty years ago.

SHRI ARJUN ARORA : You have managed to forget all that you learnt forty years ago. Now you are indulging only in slogan-shouting. That is the pity.

Sir, the Upper Houses have a role to play and we should, in our Constitution and in life, have an arrangement in which sometimes in the Lower House one

party has a majority while in the Upper House another party has a majority, so that sudden and hasty legislations cannot be made. What we find today is that whips come and they say, "Pass the Bill today". The Ministers say, "This thing has to be enacted tomorrow morning" because the Ministers happen to belong to the party which has a majority in both the Houses. This is a contempt of House. This is a negation of the legislative process that the Minister or the Deputy Chief Whip or the Regional Whip comes and says that this Bill has to be passed today. If we ensure that the two Houses have different types of majority, such hasty legislations will not take place.

SHRI Z. A. AHMAD : How will you ensure ?

SHRI ARJUN ARORA : Let the Congress in West Bengal remain in majority in the Upper House.

SHRI Z. A. AHMAD : After six years it will not be in majority.

SHRI ARJUN ARORA : After six years it may come back in the Lower House. Therefore, let the two Houses have two different types of majority.

SHRI BHUPESH GUPTA : So, Mr. Arjun Arora, like a burglar you want to conceal in the ceiling to jump into the house later on.

SHRI ARJUN ARORA : It is not the case of a burglar. I hope a party can come to power in a particular House or in a particular State, not through burglary, Mr. Bhupesh Gupta, but only as a result of popular feelings and popular support. That is what Mr. Bhupesh Gupta's party has not done. They want to come as burglars. That is why Mr. Jyoti Basu rules over West Bengal and Mr. Bhupesh Gupta tom-toms in the Rajya Sabha. That is the difference.

Dr. Z. A. Ahmad, for whom I have the greatest respect, said that he learnt certain things forty years ago. During the forty-year period, since he stopped learning, he has probably seen something of the socialist world. In the socialist world and in the Constitutions of socialist countries also there are Upper Houses. Upper Houses are not representative of vested interests as Mr. Bhupesh Gupta erroneously said. As a matter of fact, in this country more moneyed men enter the Lok Sabha than are able to enter the Rajya Sabha.

SHRI BHUPESH GUPTA : Even they do not like the Upper House.

SHRI ARJUN ARORA : Upper Houses are not necessarily the fortresses of vested interests. In our country for example, in the Upper Houses of various States registered graduates have some representation. Teachers have some representation. Do the teachers represent vested interests? Local bodies running the local self-Government have some representation. Are they vested interests? They are not vested interests. They are popular people getting some sort of functional representation. In socialist countries also, in the Soviet Union as well as in Yugoslavia, there are Upper Houses . . .

SHRI BHUPESH GUPTA : Entirely different.

SHRI ARJUN ARORA : Yes, entirely different. Their purpose is to give representation to various regions so that the various problems affecting the different nationalities are thrashed out and solved in the Upper Houses. In our country such a situation exists. In Andhra Pradesh, for example, there is the problem of Telengana and the rest of Andhra Pradesh. In Maharashtra there is the problem of Vidarbha and even after twelve years, integration has not taken place. In Gujarat there is the problem of Saurashtra . . .

SHRI BABUBHAI M. CHINAI (Maharashtra) : Why do you create problems where there are none?

SHRI BHUPESH GUPTA : There is only one problem of this House, that is, Shri Babubhai Chinai.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Why are you allergic to Mr. Babubhai Chinai?

SHRI ARJUN ARORA : There are problems in these three States. There are problems in other States also.

SHRI CHITTA BASU : Also in U.P.

SHRI ARJUN ARORA : Not in U.P. In West Bengal they have the problem of North Bengal, of Gurkha residents in the Darjeeling district. The Upper Houses should undoubtedly be reformed so that these various regional representations are provided and what is done in the streets is done cool-mindedly after full consideration

I oppose this Bill. I think this Bill has been brought by the Minister of Law only to demonstrate that like Caesar's wife, the Government of India is beyond suspicion. The West Bengal Assembly in a fit of emotion . . .

4 P. M.

SHRI BHUPESH GUPTA : If Caesar's wife had been in association with the Congress, she would not have had that reputation.

SHRI M. H. SAMUEL (Andhra Pradesh) : Fortunately she was a Communist?

SHRI ARJUN ARORA : The United Front parties of West Bengal when they came into power wanted to show to the people that they were doing something very radical. So far they have done nothing very radical in the field of economy. They proposed one very radical thing, i.e. abolish the Congress-dominated Upper House, forgetting that that House can in course of time be dominated by the so-called revolutionaries of the United Front. They forgot all that and they passed the resolution abolishing the Upper House, and the Government of India without seriously applying its mind brought forward this Bill. I oppose this Bill and I hope the Deputy Law Minister will rise and withdraw it.

SHRI DWIJENDRALAL SEN GUPTA : Mr. Vice-Chairman, Sir, I rise to support this Bill and take note of what my friend, Mr. Arjun Arora stated, while opposing it. His contention was that the West Bengal United Front has done it as a stunt. It is absolutely wrong. The West Bengal United Front fought the election against the Congress on a clear-cut 32-point programme. The 31st point was the abolition of the Legislative Council. The people desired this abolition and that is why, among other reasons, the United Front came into power. After coming into power, the West Bengal United Front took earliest opportunity to pass the Council abolition resolution in the West Bengal Assembly, as a token of their *bona fides* not as a matter of stunt. As regards the *bona fides* of the United Front, there should have been no suspicion from any quarter, much less from my friend Mr. Arjun Arora, who is a Young Turk, though old image.

SHRI ARJUN ARORA : Please do not insult me by saying I am old.

SHRI DWIJENDRALAL SEN GUPTA: I can assure my friend, Mr. Arora, that the West Bengal United Front will go to the last limit to redeem the pledge given to the people, on the basis of which they came into power. There may be certain hurdles by which the process may be delayed. The hurdles are due to the paucity of funds and we have a serious grievance against the Centre for not being rational, for not giving the State of West Bengal its due share, as a result of which we cannot do whatever we like to do. We have got to pay an interest to the Central Government for the loans incurred by the then Congress Government more than what West Bengal will get in the Plan period from the Centre. For every Plan year there is a certain commitment by the Centre. That amount will be less than what we shall have to pay to the Centre by way of interest. Imagine the position. What a predicament the West Bengal United Front Government has got to face?

In respect of abolition of the Council, we have shown that we are serious, and we have done what was possible for us. Now, for example, one of our commitments is industrialisation of West Bengal. If we do not get industrial licence, we cannot do it. Even if we get industrial licence, if the State Government has not got sufficient finances, we cannot progress. We have also promised the people about subsistence to the unemployed. What can we do unless we get money? This money is not anybody's charity; this money is not anybody's gift. This money is our due. We do not want any confrontation with the Centre on anything.

SHRI SHEEL BHADRA YAJEE : Is all this relevant?

SHRI DWIJENDRALAL SEN GUPTA: It is very relevant because you had all the time abused the West Bengal Government. Now hear a little of constructive suggestion. Have patience. You had patience when Mr. Dahyabhai Patel and others spoke about West Bengal's insecurity and all that.

My point is very simple. I stand on behalf of the West Bengal people and the State to say what is correct. I am not speaking as a member of any party in this House. I represent the State of West Bengal and it is my bounden duty to tell you what the people of my State feel. When people

see that you are apathetic to their aspirations confrontation is bound to be there. This confrontation is not to discredit the Government of India. It is not an agitation of the Nagaland or the Telegana type. Yet there is a possibility of a movement that no money from the State shall be allowed to be remitted by way of Central revenue outside the State and that all that money should be spent for the good of the State itself. What will you do then?

We have shown our *bona fides* by passing the resolution to abolish the Council as we promised. As regards our other promises, we are equally serious. Let the Centre extend its helping hand.

Mr. Vice-Chairman, our friend, Mr. Rajnarain is not here. He has stated two things. He said he wrote to Mr. Jyoti Basu that he was prepared to be examined by the Commission. When Mr. Niren Ghosh replied to that, he said "Well, I am not appearing before the Commission because my evidence will be hearsay evidence." Now how can Mr. Jyoti Basu help him if his evidence is hearsay evidence? So his charge against Mr. Jyoti Basu means nothing. It will only create confusion. What he has said is basically wrong. Mr. Rajnarain was definitely not there. Neither did he see any truck-load of saris being removed. (Interruption) He has only heard it from somebody. In Delhi on the 1st of January 1967 or 1968 there was an incident of serious molestation of women. Why did the people of Delhi sleep over the matter? Was there any special chastity in Calcutta proper? Chastity of women is a sacred thing everywhere and we should preserve it. You are politically out to demean the United Front Government in West Bengal. Why do you make a fuss about it? I should say that I am equally interested to see that West Bengal, and for that matter, the whole of India, is clean everywhere. If there was any incident in Rabindra Sarovar that must be condemned. None of us would stand in support of it. But what we should appreciate is this. The Enquiry Commission is there to go into the matter. Then, should we not reserve our judgment for the Commission? Even yesterday the Swatantra friends said that we should not allow the Prime Minister to speak on 'the nationalisation of banks' because a Writ petition is pending before the Supreme Court. But those very friends and their supporters here do not stop talking in respect of a matter pending before a particular Commission, appointed under the Commissions of Inquiry Act, having all the functions of a

[Shri Dwijendralal Sen Gupta] court. When proceedings are pending before that Commission, why do they drag in the Rabindra Sarovar incident this way or that way? If anybody has got facts we welcome the facts to be placed and if they do not know how to place those facts, we shall help them. We are interested in knowing the facts and stopping a recurrence of such incidents. Personally speaking I do not associate myself with those who say that nothing has happened because I was not present there. And those who say that something serious has happened, they are equally in the wrong. How can one say either this way or that way unless he himself was present at the time of the incident.

Regarding Mr. Dahyabhai Patel's remark about lawlessness in the State of West Bengal I can tell you, Mr. Vice-Chairman, that it is true there are certain incidents and every incident is taken note of by the United Front in West Bengal, and its Cabinet considers every serious matter, and I do not think that the Congress or Swatantra people are more patriotic than us when they show their anxiety over West Bengal. It looks that all those who are speaking against the United Front Government in West Bengal alone have at heart the interests of West Bengal and the people's representatives in West Bengal have no interest in the welfare of West Bengal, in the progress of West Bengal. It is too much on the part of those people, not living in the State of West Bengal and not having any stake in the State of West Bengal, to speak like that. We ourselves do not approve of the incidents that happen there. But this is a transition period. It is a big transition, a big revolution. From the hands of the Congress, power has come to the people's hands there. The Congress has only about 55 members in the West Bengal Assembly while the United Front has about 220 or so. When there are some changes, big changes of this nature, in what we can call a silent revolution certain excesses or lapses are bound to happen, but we should not be afraid of them. We should see how such things can be corrected when there is wrong. But it is wrong to say that X or Y or Z is responsible for that, without any objective assessment.

The next point that remains to be said is this. So far as this House is concerned, we have heard that the abolition of the West Bengal Council was a political move. In fact, whatever we say here is political

and there is good reason for it. The two progressive measures, one piloted by the Panchayat Minister and the other by the Education Minister, could not have a smooth sailing in the West Bengal Council. They were passed by the Assembly but when they came to the Council, because of the Congress majority there, they were sent to the Select Committee, which in other words meant that for some months the Government could not act on them. My friend, Mr. Arjun Arora, while opposing the Bill said that the Second Chamber was necessary to act as a check against fast functioning. If the people of the State have decided that they should go fast who is there to check their speed? While Mr. Arora and his friends or anybody else in this House say that West Bengal is going too fast and that there should be a check, we will say that it would mean a check against progress. I believe, nobody is here to support any check on progress. If you really want the progress in the circumstances of West Bengal of the existence of the Council means reaction; and there cannot be a compromise between progress and reaction, particularly where for 22 years people have suffered and starved.

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) : Mr. Z. A. Ahmad, I can give you only five minutes.

श्री जेड० ए० अहमद : वाइस चेयरमैन साहब, मैं समझता हूँ कि जो असली मसला है उस को बहुत से हमारे दोस्तों ने और मेम्बरान ने उलझा दिया है। मसला यह नहीं है कि बिहार में यूनाइटेड फ्रंट गवर्नमेंट किस तरह चल रही है या वहाँ ज्यादाियाँ हो रही हैं या नहीं हो रही हैं। वह अपनी जगह पर एक मसला है और उस पर अलग से बहस की जाय। हमारे भाई राजनारायण जी की जब लाठी चलती है तो चारों तरफ चलती है और कोई कील खूटा नहीं रहता बोलने के लिए खैर, मैं माफ करता हूँ क्योंकि मैं जानता हूँ कि जब वह बोलते हैं तो उन के बोलने का अंदाज यही है और उसे बदला नहीं जा सकता।

मैं समझता हूँ कि अपर चेम्बर को खत्म करने का जो मसौदा है बंगाल में यह बहुत देर से आया। यह इस से पहले आ जाना

चाहिए था इसलिए कि हमारा आईन बहुत नया है।

[THE DEPUTY CHAIRMAN in the Chair]

हमारा विधान बहुत पुराना विधान नहीं है। इस विधान के पीछे वह सब चीजे हैं जो कि इंग्लैंड में, फ्रांस में और दूसरे मुल्कों में जहाँ पार्लियामेन्टरी स्टीट्यूशन्स रहे हैं, उनमें बहुत बरसों में। वह सब तर्जुबे हैं, बहसे हैं, मूल्य हैं, कीमतें हैं और कदरे हैं और इन सब को देख कर हमने अपना विधान बनाया है। मैं समझता हूँ कि एक नया विधान 1948 और 1950 के नजदीक जो बना उस में बहुत सी पुरानी चीजों को छोड़ देना चाहिए था। पुरानी इमरान जो विधान की बनी हुई थी उस में रोक थाम के लिए, टधर उधर करने के लिए बहुत से इस्टीट्यूशन्स बना दिये गये थे जो उस समय तक आउट आफ डेट हो गये थे और उनमें से एक अपर चेम्बर भी था जो आउट आफ डेट हो गया था। मैं ताज्जुब करता हूँ इस बात पर कि अर्जुन अरोड़ा साहब आप को नौजबान रहने हैं और कहते हैं कि रेकिड चेम्बर रहना चाहिए। क्यों रहना चाहिए साहब? यह बहस हाउस आफ लार्ड्स के बारे में भी चली थी, वह बात पुरानी हो चुकी है, लास्की भी मर गये और वे पुराने बुद्ध भी मर गये कि जो यह कहते कहते मर गये कि यह एक रिडेडेंट चीज है, यह बेकार की चीज है, इस को क्यों सजावट के लिए रखा गया है और उस के बावजूद आज यह कहते हैं कि 1969 में हिन्दुस्तान में उस की जरूरत है। क्यों जरूरत है, साहब? रोक थाम करेंगे। किस की रोक थाम करेंगे? किस की रोक थाम आप करना चाहते हैं? अगर जनता के चुने हुए नुमाइन्दे चाहते हैं कि कागल कायदा जल्दी बने तो आप रोक थाम करने के लिए क्यों इतज्म कर रहे हैं। फिर कहते हैं कि काटेन्यूटी होना चाहिए। जिन्दगी में काटेन्यूटी कोई बड़ी भारी चीज नहीं है। मैं समझता हूँ कि डिस-

काटेन्यूटी बहुत बड़ी चीज है। बहुत सी बातें डिस-काटेन्यू करनी चाहिए और उन में अलग हो कर ही हम अगे वढ सकने हैं। यह एक नजरिया होना चाहिए और पिछड़े हुए, पुराने कदामत पसद नजरिये की जगह जिन्दगी को नयी तस्वीर, नया पहलू बने, वह नया तरीका अखिनयार करे और वढे यह चीज पहले होनी चाहिए। अगर यह अब हुआ है तो बहुत मुबारक कदम है और इस के बाद इसे सारे सूबों में भी लागू करना चाहिए। मैं उम्मीद करता हूँ कि अगर कांग्रेस के भाई भी इनीशियेटिव ले कर दूसरे सूबों में यह मुझाव रखेंगे कि अपर चेम्बर खत्म हो जाय और जनत की चुनी हुई सस्थायें, जनत की वाडीज रहे जो फैसला करे कि क्या किया जाय, कैसे कानून बने तो वह ज्यादा अच्छा होगा। यहाँ सोवियट यूनियन की बात बही गयी, या दूसरे मुल्कों की बात बही गयी। मैं समझता हूँ कि वे अनकपेरेबिल चीजे हैं। उन का मुक बला नहीं किया जा सकता। वह सोशलिस्ट सिस्टम एक है और हमारा सोशलिस्ट सिस्टम दूसरा है। अगर हमारे यहाँ कोई बुनियादी तब्दीली होगी तो हम सोचेंगे कि हम क्या करेंगे। लेकिन उन की तारीफ, उन का सोशलिस्ट सिस्टम, उन की परपर। हमारी तरफ, हमारा सोशलिस्ट सिस्टम, हमारी परपर। में अलग है और अगर किसी मुल्क की तरफ इशारा किया जाय कि वहाँ अपर चेम्बर है इस लिए यहाँ भी रहना चाहिए तो इस दलील को मैं नहीं मानता और मैं इस की मुवालिफत करता हूँ।

आखीर में, चूक वकत मेरे पास कम है मैं इस बारे में कहूँगा कि बंगाल में जो संयुक्त मोर्चे की सरकार है उसकी बहुत सी आलोचना हुई, मैं भी अगर उस सरकार का अमेममेंट करूँ तो मैं भी आलोचना करूँगा, लेकिन मैं हमदर्दानी तौर पर आलोचना करूँगा, मैं उस तरह से नहीं करूँगा जिस तरह से कि राजनारायण जी ने आलोचना की, क्योंकि मैं समझता हूँ कि हिन्दुस्तान का प्रजातंत्र

[श्री जेड० ए० अहमद]

हिन्दुस्तान की डेमोक्रेसी अपनी नई रूपरेखा, अपना नया तरीका, अपनी नई तस्वीर, अपना नया नक्शा बना रही है। बंगाल में एक संयुक्त मोर्चे की सरकार है और हो सकता है कि आने वाले जमाने में हिन्दुस्तान के बहुत ज्यादातर इलाकों में, सूबों में और मरकज में भी, केन्द्र में भी इस तरह की सरकार बने जिसमें कि बहुत सी पार्टियाँ मिल कर के सरकार चलाये। हिन्दुस्तान के अन्दर वह दौर खत्म हो गया जब कि एक पार्टी का इजारा और ठेका था, एक पार्टी हुकूमत करती थी, अब अलग अलग पार्टियाँ आयेंगी, जो एक दूसरे के नजदीक है वह मिल कर आगे आयेंगी, अपनी विचारधाराओं को चलायेंगी, मिलेजुले प्रोग्राम बनायेंगी और मिलेजुले प्रोग्राम के ऊपर अमल करेगी। अब जब ऐसी नई चीज पैदा हो, नये प्रकार की, नये तरीके की सरकार पैदा हो तो जाहिर है कि वह कुछ लड़खड़ायेगी, कुछ इधर उधर गिरगी, ठोकर खायेगी लेकिन आखिर को खड़ी हो जायेगी। इसलिये मैं कहता हूँ कि चूँकि यह गलती हो रही है इसलिये ऐसा कहना कि बुनियादी जो ढाँचा है सरकार का वह गलत है और उसको तोड़ कर फैंक दे यह ठीक नहीं, अगर तोड़ देंगे तो क्या आप लायेंगे मूलक के अन्दर। मैं कहता हूँ कि एक पार्टी की सरकार नहीं चलने वाली है, वह जमाना खत्म होने वाला है, बहुत दिन चली, कुछ अच्छा काम किया, कुछ गलत काम किया लेकिन अब खुद ब खुद जनता ने अपने अनुभव से दूसरी विचारधाराओं को आगे बढ़ाया है, उनको ऊपर उठा लिया है और वह चाहती है कि सब मिल कर, जोड़-जाड़ कर सरकार चलावें और मैं समझता हूँ कि सन् 1972 में यह परिस्थिति, यह हालत, आपके सामने आयेंगी कि बहुत सी जगह ऐसा करना पड़ेगा। इसलिये तैयार रहिये। तैयार रहिये मिली जुली सरकारों के लिये। जो लोग मिलजुल कर एक कार्यक्रम बना कर, परिस्थिति को

को समझाल सकते हैं, सरकार को चला सकते हैं उनको जुड़ कर चलना चाहिये...

श्री द्विजेन्द्रलाल सेन गुप्ता : कांग्रेस के साथ जुड़ कर !

श्री जेड० ए० अहमद : मैं कहता हूँ कि जो साथ मिल कर चल सकते हैं और मैं समझता हूँ कि ऐसी परिस्थिति हो सकती है कि कांग्रेस भी अपने साथ मिलेजुले लोगों को ले कर चले, मैं थ्योरेटिकली उसको रूल-आउट कैसे कर सकता हूँ ? कांग्रेस भी चल सकती है। तो जो चल सकते हैं वह चलावे। यह हिन्दुस्तान के प्रजातंत्र में नया नक्शा पैदा होगा। हम वामपक्षी लोग हैं, हम लेफ्टिस्ट चाहते हैं कि लेफ्टिस्ट प्रोग्रेसिव फोर्स तैयार हो, अगर कांग्रेस से कट कटा कर, कांग्रेस में हट कर, कांग्रेस में डिवीजन हो जाय और कुछ एक तबका इस तरफ आ जाय और इस कार्यक्रम को समझले तो हम उसका स्वागत करते हैं। बंगाल में इसका स्वागत किया। मैं तो ईमानदारी से साफ बात कहता हूँ।

श्री शीलभद्र याजी : आपके वामपक्षी में वाममार्गी भी है आपके साथ !

श्री जेड० ए० अहमद : वामपक्षी, वाममार्गी कुछ हो, मिल कर जो चल सकते हैं मैं थ्योरेटिकली किसी को रूल-आउट नहीं करना।

श्री भूपेश गुप्त : शीलभद्र याजी का प्रोफेशन...

श्री जेड० ए० अहमद : शीलभद्र याजी जी हमारे पुराने दोस्त हैं, मैं इनके साथ झगड़ा नहीं करना चाहता, यह भी लेफ्टिस्ट है, मैं यहाँ बहुत से लोगों को देखता हूँ...

श्री चंद्र शेखर (उत्तर प्रदेश) : अब आप यहाँ इधर आने की सोचिये, समय बदल रहा है।

श्री जेड० ए० अहमद : आप अपने घर को सम्हाल लीजिये जब आपका घर इतना बंटा हुआ है तो किसी को आते डर लगता है, इस घर को आग लग गई अपने घर के चिराग से, तो कौन आयेगा। मैं कोई उस तरह की बात नहीं करता, मैं ईमानदारी से बात करता हूँ, जरा मेरी इस बात को सुनिये, मैं न इस घर की बात करता हूँ न उस घरौंदे की बात करता हूँ, मैं मुल्क की बात करता हूँ, मैं समझता हूँ कि अलग अलग दीवारें खड़ी कर के जो हमने एक दूसरे के खिलाफ बात की वह ठीक नहीं। मैं अपनी लेफ्ट पार्टीज को भी कहता हूँ कि हमने एक दूसरे के खिलाफ तनाव शुरू कर दिया है, हम यह हैं तुम वह हो। मैं समझता हूँ कि अगर मुल्क को बचाना है तो जो तरक्की-पसंद खयालात के लोग हैं, जो चाहते हैं कि मुल्क की तरक्की हो, जो समाजवाद की तरफ हो, उनको जरूर सोचना पड़ेगा, इस बात के ऊपर उनको जरूर सोचना पड़ेगा, उनको ध्यान देना पड़ेगा कि किस तरह हम एक दूसरे के नजदीक आयें। जो मुल्क में दूसरी तरह के लोग हैं, बड़े बड़े पूंजीपति हैं, बड़े बड़े इजारेदार हैं, वह अपने रास्ते जायें। हम अपना रास्ता बनायें। जो एक हो कर रह सकें उनको आगे आना है। इस नजरिये से चला जाय कि तुम मेरे घर में आ जाओ या मैं उसके घर में आ जाऊँ तो घर तो सब के टूट रहे हैं, सब के घरों की दीवारें बिखर रही हैं। होना क्या चाहिये? ये जो तरक्की-पसन्द लोग हैं, जो समाजवाद में बिलीव करने वाले हैं वह अपने जेहन को ठीक कर के एक दूसरे के नजदीक आयें। जब तक यह नहीं होगा तब तक मुल्क का और तरीका नहीं सम्भलेगा। इसलिये मैं समझता हूँ कि आने वाले जमाने में इसको सम्हालना है। इसको समझना है कि बंगाल में जो कुछ हो रहा है वह एक कदम आगे है। उसको हमें सैम्पैथेटिकली देखना चाहिये। जो गलत काम हुआ उसकी

हम आलोचना करें लेकिन ऐसी आलोचना नहीं जैसी कि हमारे भाई राजनारायण जी ने की कि चप्पे चप्पे ज़मीन पर गया और जा कर देखा कि सब के पास 25 एकड़ से ज्यादा ज़मीन है मार्क्सिस्ट कम्युनिस्ट पार्टी के लोगों के पास। कम्युनिस्ट पार्टी हो, मार्क्सिस्ट कम्युनिस्ट पार्टी हो, मैं जानता हूँ, जो कार्यकर्ता हैं उनके पास दोनों वक्त का खाना नहीं, मैं अपनी पार्टी को जानता हूँ, वह गरीब है, वह किसानों के अन्दर, गरीबों में, काम करते हैं। वह भी किसानों में काम करते हैं, राजनारायण जी का दावा है, वह कहाँ चप्पे चप्पे में चले गये, कहा कि मार्क्सिस्ट पार्टी के लोगों के पास, सब के पास, 25 एकड़ है, कहाँ है, कहाँ 25 एकड़ है, किस मुबालगे में क्या हालत कर दी। इसलिये मैं चाहता हूँ, मैं ईमानदारी के साथ कहता हूँ कि जो आलोचना हो, जो तनक्रीद हो वह इस प्रकार की न हो जैसी कि हमारे राजनारायण जी करते हैं जिसके अन्दर कोई बैलेंस और कोई तवाजुन नहीं होता और जो उनकी लाठी है वह चारों तरफ चलती है। खैर मैं उस बात को छोड़े देता हूँ।

(Time beltings)

मेरा इस प्वाइंट पर बुनियादी नज़रिया यह है कि बंगाल की सरकार चाहे कहीं इधर उधर लड़खड़ाये, गलती करे, लेकिन वह एक रास्ते की तलाश में है, वह एक नये रास्ते की तलाश में है, कुछ सोचती है, वह अंधेरे से अलग होना चाहती है। अभी साफ रास्ता मालूम नहीं होता, उसके रास्ते में रुकावटें हैं, बड़े बड़े सरमायादार बैठे हैं, बड़े बड़े इजारेदार बैठे हैं। उसको हमें मदद करनी चाहिये, हमको हमदर्दी के साथ उसके हाथों को मजबूत करना चाहिये क्योंकि आज नहीं तो, कल नहीं तो परसों आपको भी ऐसी कुब्बतों का, ऐसी परिस्थितियों का सामना करना पड़ेगा।

मैडेम डिप्टी चेयरमैन, मैंने अपनी बात खत्म कर दी। बहुत बहुत शुक्रिया।

SHRI CHITTA BASU : Madam Deputy Chairman, I rise to support the West Bengal Legislative Council (Abolition) Bill. While supporting this particular Bill, I think some fundamental question is also to be considered and in that respect the West Bengal Legislative Assembly deserves our congratulations. The fundamental question raised by this particular Bill is the question of bicameralism in our country, its justifiability or otherwise. Madam, certain points have been raised by our friend, Mr. Arjun Arora, with regard to the efficacy or the necessity of second chambers in our democratic life. He has sought to suggest that these second chambers in our Legislatures sometimes work as a safeguard against hasty actions.

Now before dwelling on that particular aspect, I would like to draw the attention of this august House to the history of introduction of second chambers. In our country during the British regime, with the growing popular movement, they had to concede more and more powers to popular and representative Governments and they felt that if this process continued, it would be a great danger for the imperialists to rule here even through the so-called constitutional methods. Therefore they also wanted to have some sort of second chambers to provide certain safeguards, probably in the way in which our friend, Shri Arjun Arora, thinks. Madam, I can cite one or two examples to suggest that during the period of British imperialism these second chambers were introduced for that particular purpose, for the so-called safeguards. They were used against the national liberation movement to counter the progressive steps which might have been taken by the then Assemblies elected on a very restricted franchise. Now, Madam, you will agree with me when I say that this process has not been reversed. The intention of the ruling party is to use the upper chambers as a bar against the growing popular movement for more radical measures to bring about certain welcome changes. As a matter of fact, during these 20 years we have found that none of the Second Chambers in our country has been used for any progressive purpose. Rather it has been used to delay the progressive measures. I can cite example after example. I feel that all these Second Chambers are unnecessary, redundant and incongruous and therefore they should be immediately abolished not only in the case of West Bengal but in the other States as well.

When I say they are incongruous, I will cite some examples.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : You can use it for better purpose, for regional representation, etc.

SHRI CHITTA BASU : For that this House is there. If you want to give better representation for regions or professions within the State the very system of electoral rolls can be changed for the Vidhan Sabhas. You can expand the scope of direct election but why should you bring in those persons through the indirect method? Our experience is the election through indirect method has been used to bring in people like Mr. Bindeswari Sinha who has been nominated by the Governor of Bihar only to allow him to become the Chief Minister. So far as I know, the qualification that a Member of a Legislative Council should possess, he has not got. It is the experience of most of you, I think that the Second Chambers have been used as a source of patronage, sometimes to silence certain political rivals in the States and sometimes to use it as a prize for somebody and allow some rejected persons to adorn the Cabinet. If you want figures, I possess them as to how many persons have been accommodated in the Upper Houses only to enable them to become Members of the Council of Ministers. The Upper Chambers have been used not for the purpose of safeguards. If I want to use the word 'safeguard' they have been used to safeguard the interests of the propertied, they have been used to safeguard the interests of the vested interests, they have been used to safeguard in the interests of the ruling party, they have been used for patronising some yes-men. This is the only purpose the Second Chambers have served these 20 years. So I say that they are also incongruous. In Madras to-day the Congress has been reduced to an insignificant minority in the Assembly but in the Legislative Council it has 29 Members out of 63 whereas the DMK after one triennial election has increased its strength from 7 to 20 only. Therefore the popular wish of Tamil Nadu is not reflected in the Council. It is reported that a particular legislation, The Tamil Nadu Agricultural Land (Records of Tenancy Rights) Bill which was passed by the Assembly was referred to the Council. Certain amendments were made by them and it has been referred back to the Assembly. So it has acted as a bar to speedy legislation formulated by the State Government. Similar

is the case in Bengal. In Bengal the Congress has been routed. It has been reduced to a very insignificant minority in the Assembly but it has a majority in the Council. Does it mean that the Council reflects the popular wish of the people of Bengal? Therefore it is incongruous. It does not reflect the actual opinion or verdict of the people. West Bengal will require another three triennial elections to be represented in the Council with a strength comparable with that of the Assembly. So I conclude that the Legislative Council has been used not as an instrument of popular wish and verdict. It has acted otherwise. On the other hand, I do not also find the necessity of Second Chambers. To prove this I simply quote a Member of the French Constituent Assembly. He says :

"If the Second Chamber dissents from the First, it is mischievous."

This happened in the case of Tamil Nadu and West Bengal. The dissenting by the majority in the Council in Tamil Nadu and West Bengal I call as mischievous betrayal against the people of Bengal. He further says :

"If it concurs, it is redundant".

Therefore there is no necessity for Second Chambers by this criterion. The explanation has been clearly given by that particular Member of the French Constituent Assembly. He continues to say :

"The law is the will of the people and the people cannot have two wills on the same subject; when there are two Chambers, discord and divisions will be inevitable and the will of the people will be paralysed by inaction."

In the light of the experience of the last 20 years, if not of the last few months only, the people of Bengal are being denied the right of having speedy legislations as they like and the Council is acting as a bar against it, as the French Member said. Therefore there is no necessity for Second Chambers. On the other hand they constitute an item of avoidable expenditure and they have no purpose to perform as I have proved earlier. Therefore it should not be the duty of the Parliament here to day only to accept the position and agree to the abolition of the West Bengal Legislative Council but it should also give the opinion to the country that the system of bicameralism should go. In this connection the Punjab Assembly

has also passed a Resolution to that effect. What has become of it? Why has the Government not come forward with such a legislation as in the case of Bengal to abolish the Punjab Upper House. That would be in the fitness of things and would be in tune with the progress of time. As Mr. Arora sought to suggest, the necessity of the Upper Chamber is to be taken into consideration before passing the Bill. I think the House has been convinced about the incongruous, redundant and superfluous nature of the Upper Chambers of our country. Therefore I think there will be nobody in the House not wanting to support this Bill.

Shri Rajnarain said that his party is not in the UF Government in Bengal. Therefore he enjoys, I think, the freedom to tell whatever he likes on the floor of the House but I ask him or anybody of the SSP here whether it is not because of their internal squabbles in Bengal that they are not there? It is because of their internal conflict, it is because of their internal squabbles that they could not take part in the West Bengal United Front Ministry. And again, they wrote a letter to the West Bengal Chief Minister regarding certain aspects of the programme as adopted by the United Front. That letter has been replied to. And I do not know what makes them not to be in the Cabinet or not to take the responsibility of running a popular Government, and speak here in an irresponsible manner, which only strengthens the hands of those who want to bring about the fall of that Government, which only strengthens the hands of those who want a vested interests' Government to come back in West Bengal, which only strengthens the Congress Government at the Centre to discredit the United Front Government. This thing our friend Mr. Rajnarain should bear in mind.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI MOHAMMED YUNUS SALEEM) : Madam Deputy Chairman, I am really very happy that practically all the hon. Members, who have spoken on this Bill, have supported the Bill except Mr. Arjun Arora. I am grateful to all those hon. Members who have offered their support to the Bill. I have been very carefully hearing the speeches of all the Members and I have come to the conclusion that no point has been made out which needs any reply. Since the speech

[Shri Mohammed Yunus Saleem.]

were all in support of the Bill, nothing has been said against the introduction of the Bill except certain remarks made by Mr. Arjun Arora. But I think that Mr. Arjun Arora has not carefully read the provisions of the relevant Articles of the Constitution of India. Under Article 169 of the Constitution it is for the State Legislative Assemblies to decide whether they would continue to have the Upper Houses in their respective States, or they would like them to be abolished. In a State where there is no Upper House, it is open for that State to adopt a Resolution to the effect as provided in Article 169. And if any State has got an Upper House and the elected Members of the Assembly of that State come to the conclusion that in the interests of that State the Upper House is no more required, they can adopt a Resolution to that effect.

Madam Deputy Chairman, under Article 168 of the Constitution, originally, the Upper Houses were recognised in certain States, and one would conclude from the amendments, which have been introduced from time to time, that at the time of the framing of the Constitution there were lesser Upper Houses in States but subsequently the States went on adding Upper Houses in the States. So it has been more or less a convention that when a Resolution is passed by the Legislative Assembly of a State to have an Upper House in that State, that State has had it. Similarly, the Resolution passed by the Assembly of a State not to continue to have the Upper House in that State should be honoured, and because the West Bengal Legislative Assembly has adopted the Resolution—it is the representative legislative body there—therefore the wish of the people there is that they do not want to have the Upper House any more in that State. Therefore, in pursuance of that Resolution, this Bill has been introduced. As I have submitted that no point has been made out by any of the Members which requires any reply, therefore I submit that this Bill should be taken into consideration and passed.

THE DEPUTY CHAIRMAN : The question is :

“That the Bill to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and conse-

quential thereto, as passed by the Lok Sabha, be taken into consideration.”

The motion was adopted.

THE DEPUTY CHAIRMAN : We shall now take up the Clause by Clause consideration of the Bill.

Clauses 2 to 9 were added to the Bill.

Clause 1— Short title and commencement

THE DEPUTY CHAIRMAN : There is an amendment to Clause 1 by Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : I move :

“That at page 1, lines 5 and 6 be deleted.”

The question was proposed.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, it is a very simple amendment of mine. Article 169 nowhere says that a notification in the Official Gazette is called for, but this particular sub-clause (2) of Clause 1 of this Bill provides for a notification by the Government of India for the Bill to come into force from a date appointed by them, even after the President has given his assent to it. And I want this sub-clause to go. Why? Because I do not know what will happen, what delay there will be even after the President has given his assent to this Bill.

SHRI P. C. MITRA : If you press your amendment and it is passed, then there will be delay because the Bill will have to go back to the other House again.

SHRI BHUPESH GUPTA : No, no, I do not want any delay on any account. You can pass it just now, but just a minute; just listen to what I say as to the purpose of this amendment.

SHRI CHANDRA SHEKHAR : If your amendment is passed it will go to the other House again and the very purpose of avoiding any delay which is your purpose will be defeated. Why should you move this amendment at all?

SHRI BHUPESH GUPTA : Nothing is going to be delayed. Just a minute. Let me finish. The purpose of my amendment is to get the position clarified. I want to know Government's position. Is the notification intended to . . .

SHRI MOHAMMED YUNUS SALEEM : I assure the hon. Member that so far as the Government is concerned there will be no delay as soon as this Bill is passed.

SHRI BHUPESH GUPTA : Do I take it that as soon as the Bill is passed the President shall give his assent to it and the notification will immediately follow?

SHRI MOHAMMED YUNUS SALEEM : Madam Deputy Chairman, please let me make a submission. At the time of the drafting of this Bill this sub-clause was incorporated therein because certain administrative difficulties were likely to be faced by that particular Government. Madam, certain Bill might be pending in the Legislative Council awaiting assent of the Governor to take them up there or certain other Bills having been passed by the Legislative Assembly awaiting a discussion there. So in order to overcome that difficulty this sub-clause has been kept, and this sub-clause has been kept with the concurrence of the State Government. If the State Government now comes to the conclusion that they do not face any difficulty in future and they have no objection to this legislation coming into force forthwith, we shall, without any delay, see to it that it comes into force forthwith.

SHRI BHUPESH GUPTA : If that is the case, it is all right. Now you have understood it, Mr. Mitra. Now you should have understood the purpose of my amendment. The amendment is because Article 169 does not provide for any notification at all; I wanted to bring it to your notice. It is all right now. There was really the need for this sub-clause (2) of Clause 1, I see. I have also written to the Prime Minister earlier, that as soon as the Bill is passed she should arrange for getting the President's assent to it and that almost on the same day or at the latest, on the very next day, it should come into force. Now the Minister has said that they have no intention to delay this legislation coming into force, and I assume that we are passing this Bill today. Well, I do not know whether today the assent is available, but tomorrow, I believe, the assent would be available, and I would request the Government, since I have already approached the authorities including the Prime Minister, that the assent should be obtained by 10 o'clock tomorrow so that, in the forenoon of tomorrow, this Bill becomes the law of the land. Now the

Prime Minister has come. Very good. The only thing I was referring to her and saying was that I have already written to the Prime Minister.

I do not wish to press my amendment; I am withdrawing it. I have already written to the Prime Minister requesting that as soon as the Bill is passed the President's assent should be obtained and immediately the assent is obtained the Bill should become law. I have requested the Prime Minister to expedite this matter so that in twenty-four hours' time we have this Council (Abolition) Bill become the law of the land. I hope the Prime Minister agrees with me.

THE DEPUTY CHAIRMAN : So are you withdrawing your amendment?

SHRI BHUPESH GUPTA : Madam, I beg leave to withdraw my amendment to Clause 1.

**The amendment was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : The question is :

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI MOHAMMED YUNUS SALEEM : Madam, I move :

"That the Bill be passed."

The question was proposed.

SHRI BHUPESH GUPTA : Madam, we are all happy that the West Bengal Council is going to be abolished at the initiative of the United Front Government (*Interruption*) All right with your initiative also if you like and we hope that this will become the law of the land tomorrow, the assent will be obtained and the Council will be abolished tomorrow.

THE DEPUTY CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

**For text of amendment, vide col. 438 supra.*