

Of course, according to international standards payment will have to be made, compensation will have to be given to the authors. Sir, I have nothing more to add to the remarks which I have already made and I request the House to adopt the Resolution.

MR. DEPUTY CHAIRMAN: The question is:

"That this House approves the Universal Copyright Convention and the Protocols thereto as adopted at Geneva on the 6th September 1952 and recommends that the said Convention and Protocols be ratified by the Government of India."

The motion was adopted.

THE LEGISLATIVE COUNCILS BILL, 1957

THE MINISTER OF LAW (SHRI A. K. SEN): Mr. Deputy Chan-man, I move:

"That the Bill to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

In moving this motion it is not very necessary to elaborate the reasons which have compelled us to undertake this measure. Hon. Members will recollect that as a result of the States Reorganisation Act, major changes were wrought on the old States of Bombay, Mysore and Madhya Pradesh and also the Punjab. The States Reorganisation Act provided that so far as the States of Mysore, Bombay and the Punjab are concerned, new Legislative Councils should be constituted first and then they should be re-constituted again after the general elections held after the reorganisation of those States. So far as the State of Madhya Pradesh was concerned, the States Reorganisation

Act did not contemplate an interim constitution and a final re-constitution, but provided for a new Council consisting of 72 members. These territorial changes, vast as they were, had the effect of making the Legislative Councils—which originally prevailed in the States of Mysore, Bombay, Punjab and also the other States of Madras—rather obsolete. The entire State of Andhra Pradesh was carved out of a large portion of territory taken from the old State of Madras, the old State of Hyderabad, and possibly a little of the territory coming from the old State of Madhya Pradesh

DR. R. B. GOUR (Andhra Pradesh): No.

SHRI A. K. SEN: Possibly not. Mysore also underwent very significant transformation. Bombay, as you know, became quite different. Punjab did not become quite so different, but certainly it underwent territorial reorganisation. Now, so far as the Upper Chambers are concerned, the Councils in those States have had to be reorganised. So far as the State of Andhra Pradesh was concerned, we may say that a new Council had to be set up. The old State of Madras had a Council. The new State of Andhra Pradesh, which was carved out of a large portion of the territory which originally formed part of the old State of Madras did not continue to enjoy a Second Chamber, after the creation of that new State. Now, the Andhra Pradesh Legislative Assembly passed a Resolution recommending the creation of a Legislative Council for that State. In the meantime, the Seventh Amendment of the Constitution was passed which provided that the membership of the Legislative Council of a particular State should not exceed one-third of the membership of the Legislative Assembly of that particular State. The original limit was one-fourth. It was contemplated at the time the amendment was adopted by Parliament, as also the States concerned, that as a result of the reorganisation of various States which had Councils, various new

[Shri A. K. Sen.] territories will be given new municipalities, new local authorities, as a result of which it would be necessary to reflect a good proportion of the number constituting the Legislative Assembly in the matter of composing the Council. That was why the upper ceiling was raised from one-fourth to one-third in the Seventh Amendment of the Constitution.

Now, these two enactments have necessitated our undertaking the present legislation. The object is very simple, two-fold: First of all, to prescribe the ultimate formation of Legislative Councils in the reorganised States of Andhra Pradesh, Madhya Pradesh, Bombay, Punjab and Mysore; and secondly, to increase the numbers composing the Councils in all the States having Councils so as to give a proportionate increased representation in these Councils, as a result of increased strength obtaining in the Legislative Assemblies after the general elections. Hon. Members are aware that as a result of the census of 1951 and the delimitation of constituencies which had been effected after the census, the strength of the Houses in the States had increased. Hon. Members are aware that the principle which the Constitution followed in prescribing the composition of the Councils in the States which had Councils, is to give representation to certain special interests—teachers, graduates, local authorities and nominated members drawn from men of letters, science and culture generally. . .

SHRI BHUPESH GUPTA (West Bengal):
And the Cabinet.

SHRI A. K. SEN: . . . and the Legislature. If the cabinet has a majority, the cabinet will possibly have its nominees elected; but nevertheless the process of election is there, by which the Legislative Assembly will elect its own quota of representatives for the Upper House. The principle accepted was that some special constituencies should be represented in the Upper

House to bring to bear their mature deliberations in the matter of legislation. It has been a departure from the general line of Second Chambers obtaining in some of the other countries. We need not go into that. It is a matter of history. Suffice it to say for the present that the Constitution thought, at the time it was framed, that the Upper House should reflect a certain percentage or numbers in the matter of its own composition in relation to the Legislative Assembly of the particular State concerned. As I said, as a result of the increased strength of the Legislative Assemblies in the States concerned, after the general elections, it was contemplated, when the Seventh Amendment of the Constitution was passed, that this increased strength in the Lower Houses ought to find some increased representation. There

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is a special provision prescribed in the Constitution giving increased representation in the Upper Houses. In framing the Bill, we have not increased the strength up to the maximum of one-third permissible under the Constitution. We have taken a figure of roughly 30 per cent, in almost all the States, so that it is less than one-third, but more than one-fourth of the number of each local Legislative Assembly.

We have also another point very clearly, viz. that while we have increased the strength of the Upper Houses, we have not increased the strength of the nominated cadre under Article 171 of the Constitution which is permissible. Though the strength is increased from one-fourth to roughly 30 per cent., the nominated strength is kept more or less fixed, compared to the old composition, except in one or two States where the increase has been necessitated by the impossibility of dividing the categories into exact mathematical figures. But there also, the increase has been very insignificant, incommensurate, with the increase in total strength.

Therefore, hon. Members will see that this is really a logical consequence of the two Acts which Parliament had

passed, *viz.*, the States Reorganisation Act and the Constitution (Seventh Amendment) Act.

With these words, I recommend that this Motion be accepted.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Time allotted for this Bill is five hours. There are 56 amendments. So, *11* hours for the Opposition group and 2J hours for the Congress group. Ten minutes each on this side.

SHRI M. BASAVAPUNNAIAH (Andhra Pradesh): Mr. Deputy Chairman, I rise now to oppose the whole thing, not any clause of it. The Legislative Councils Bill, 1957, as placed before the House, does not deserve support from this House from any angle whatever when I look back at the whole history of the evolution of this House and the Second Chambers in our country. It is argued that our Constitution is irrevocably committed to a bicameral legislature and that it is only a consequential step that we are taking and that, in a democracy, we have to have two Houses and so on and so forth. It is futile for me to indulge now in discussing the merits and demerits of the bicameral and unicameral legislature. There is enough literature on it. Much is said on both sides. But, ultimately, the question here I am going to discuss is not the question in an academic fashion—whether unicameral or bicameral legislature is best suited for our country. The whole question is now confined as to how this is working in our country. We have some seven years' experience. This experience has clearly demonstrated to us

either some benefits or certain futile, purposeless Houses, as they are.

SHRI SANTOSH KUMAR BASU (West Bengal): Ask yourself.

SHRI M. BASAVAPUNNAIAH: Sometime back, in this very House, we moved a Resolution. It was discussed and sufficient thought was bestowed on it and several speakers not only belonging to the Opposition, but to the other side also, have expressed their views on it and they are clear there. Not only this House, but subsequently several States have also moved in the direction of recommending the abolition of these Upper Houses. After one or two such things, perhaps they were snubbed and the movement in that direction is halted. But yet the ferment is on. The people are not favourably disposed to Second Houses. And I may tell you that I have had the opportunity to come into contact, not with the elite of the society as the hon. Minister is on the other side, but with the ordinary folk—peasants, peasant intellectuals and ordinary men—in different walks of life. They call that this is a House of *ajagalasta*. There is no apt word for it in English. The goat will have two hairs hanging under it without any purpose. *Ajagalasta* is a Sanskrit word.

SHRI V. K. DHAGE (Bombay): Is it Sanskrit or Tamil?

SHRI M. BASAVAPUNNAIAH: Sanskrit taken in Telugu and many Hindi-speaking people understand it. Some people say that these are Chambers of *pishtapeshan*; that is, mixing the stuff already enough mixed. There are other people, not very light, **but** very serious, and they have seen the working of this House in our country for all the seven years. They say that this is a type of market invented by the party in power for the sale of shop-soiled material that is manufactured in the process of electioneering, in the process of political campaign, in the process of party functioning, etc. I think there is enough truth in it and we must sit up to

[Shri M. Basavapunniah.] discuss seriously, no more to say that this is a Constitutional provision and this is a consequential thing. We are told—and we certainly appreciate—what all the Constitution is; let it not often be repeated, Sir, I request you. It is not a fossil piece to be preserved in a jar. The Constitution is a thing which should be constantly changed and amended according to times and the needs of the society and we have been doing it and so, should there be a constitutional plea brought often to the pertinent question whether the Upper House is serving any useful purpose in our country or not and what is to be done with it? These questions are raised and raised very seriously in this House and in several other places. And the Bombay Assembly has already recommended some time back about the abolition of the Upper House and some other Assemblies also have done it. Now, we are told that this is a constitutional sanctity and as such, we should not move against it. It is not in any way a disrespect to the Constitution. But, on the other hand, we should make the Constitution a living thing, a useful thing. That Constitution should be really amended, if necessary, by an amendment if the hon. Minister had thought it fit; but he has not brought it. Now, under the guise and screen of Constitution, he wants to push down this particular thing which is again going against the whole spirit of democracy. Let them consult the people outside. They say that this is an unnecessary House; it is a waste of time; it is a waste of talent; it is a waste of money; it serves no useful purpose except to keep pensioned, yesmen there who somehow get elected. This is how people feel outside and I believe that there is enough truth and logic in it and they are perfectly justified. The tax-payer is perfectly justified in remarking this way And people who talk of democracy very often should respect this sentiment and try to mend their way by introducing such things..

What is this House doing practically? Now, this is a question no

doubt placed before us as a consequential step. But the consequential step also has a bearing on all the other things, because not only new Councils are being created in some States where they are not in existence, but I am told just now, they are for more mature consideration and mature law-making etc. I want to ask some Minister at least: In the seven years of the working of the Constitution, what type of mature laws were enacted and is maturity or immaturity found in these Lower Houses which are called Legislative Assemblies or, for that matter, even here in our House? This question of maturity and immaturity is a problem and I must be pardoned if I say that these are funny arguments heard here to justify a thing which cannot be justified.

Then, Sir, there is another point. These bodies have been constituted. Are they really representative on any basis? I do not think they are having any such basis.. They are neither selective nor elective. They are just a hotch-potch, if I may say so. For example, Sir, when the Constitution was being written and accepted by the then Constituent Assembly, they never thought that there will be such able politicians as Shri Sanjiva Reddy and other Cabinet Ministers who will say that the district board elections would cost Rs. 30 lakhs and therefore it would be a difficult job to hold such elections, and hence this delay. There are no district boards in the real sense of the term. The Law Minister may say "What can I do? There is a provision for the representatives of the district boards in the Constitution." If this is the way in which one can gamble, then I am sorry to say that our democracy will not work, the democracy which is held so dear by them. In 1950 the last elections were held. In 1953 they were abolished. After that they were constituted and re-constituted. But ultimately what has been done to them? Who are there in those bodies? For the last two or three years the people were agitating for elected district boards throughout the State. But that demand

has not been accepted and all sorts of arguments and promises are made. But so far, no date has been fixed and nothing of the kind has been done. And on the top of it, they say that there will be an expenditure of Es. 30 lakhs if the district board elections are conducted throughout the State. Now, Sir, according to my calculation, for nine Legislative Councils that our present system is having, the expenditure comes to Ks. 3 crores in the Five Year Plan. Why should this huge amount be wasted in having these august bodies? You are arguing that for having elected district boards there is no money. And there is no money for a school teacher who is demanding only Rs. 6 or so more per month. He is told that there is no money and there is no money for several things which our Constitution guarantees. It looks as if the constitutional guarantees remain an ideal to be realised. Is it the constitutional guarantee to pack the Legislative Councils with the so-called 'yes-men'? There the question of constitutional guarantee immediately comes in. There the question of money does not come in. These are the arguments advanced by them. These arguments can be advanced in a school boys club, but not here. When our country is facing an economic crisis, when our country is badly in need of finances, when we are taxing bidi-makers and all these people and when we are going to foreign countries with a begging bowl, where is the necessity of spending these Rs. 3 crores in this fashion, and what is the necessity of these Houses? I have not been able to find any satisfactory answers to that, even though I have followed the debate that was there in the other House closely.

Then, Sir, coming to the other aspect of it, one-third is supposed to be the legislative elections, some proportion of it is said to be the district board elections and some proportion is said to be the panchayat boards' elections or some town committees' elections etc. What are these Panchayat Boards? We must have some 60 RSD—4.

idea about them at least. Is there any uniform regulation about these Panchayat Boards and their functions? We are not aware of it. As far as one part of the Andhra State is concerned which was there in the previous Hyderabad State, there was one set of Panchayat Boards, half elected and half nominated. Then there was another type of Panchayat Boards. There are some municipalities, for example Guntur and Vijayawada under some special officers or Commissioners, whatever it is. But they are not existing there now as real municipal councils. Really elected councils are practically abolished. Probably the Commissioner is in charge of them. And what is the type of representation there?

SHRI A. S. RAJU (Andhra Pradesh) : How many municipalities?

SHRI M. BASAVAPUNNAIAH: There is the Vijayawada Municipality; there is the Guntur Municipality.

SHRI A. S. RAJU: Then hon. Member said probably 'almost all the municipalities'. But he has mentioned only two now.

SHRI M. BASAVAPUNNAIAH: In Andhra there are these two municipalities where the opposition is strong for the ruling party,

SHRI A. S. RAJU: Out of how many?

SHRI M. BASAVAPUNNAIAH: It may be out of 100 and odd. I am not worried about that. I am now raising a particular point. These two municipalities are not existing as elected municipalities, and the question must pertain to the point that I have raised. And, Sir, several other Panchayat Boards are there where you find a number of nominated members, and there is no systematic way of representation etc. in them. And what happens is that the party in power nominates some members and the Governor also nominates some members. So almost all of them are packed with nominated members. In this way they become packed bodies,

[Shri M. Basavapunnaiiah.] packed with nominated members, Because there are no elections. That is why I say that there is no principle of election and neither any principle of selection for that matter. Leave aside this controversy about bicameral and unicameral legislatures. If it is a trade representation or a vocational representation, there is some sense in it, and I can understand that. Out of ten municipalities, Sir, the two first-grade municipalities are of Guntur and Vijayawada. Then, Sir, in the case of first-grade municipalities, it is said that there should be a population of 10,000 or 5,000 and an income of Rs. 10,000. In certain parts of Andhra there are villages with even greater population than that but not with such incomes. And then it is said that the second-grade Panchayat Boards will be with a permanent executive officer. I want to know, Sir, if the hon. Minister can enlighten me as to how many such Panchayats with permanent executive State of Andhra, I am now confining myself to Andhra. The second-grade Panchayats with permanent executive officers are a rarity. And things are so managed that it looks as if a real representation in the form of local-self-government is being made. And it is. Sir, from these least representative bodies that a representation is sought to be made in the Council. Therefore, Sir, the real purpose will not be served, and that is very evident. Let the hon. Minister clarify that particular position. Instead of accepting all Panchayats as constituencies, they have introduced a new category of 5,000 population and Rs. 10,000 income. And also I cannot understand how the question of a permanent executive officer comes here. Executive officers are becoming bureaucrats, and instead of helping in the process of Panchayats, they are hindering the process of Panchayats, and Panchayats are becoming corrupt. I can prove it if any such question is raised.

So, Sir, I find that the real effect is practically marred by these clauses,

sub-clauses and provisions. In the name of Constitution one thing is spoken, but in matter of implementation the whole spirit of the Constitution is murdered. And some formulae evolved whereby they can fill these Councils also with their packed men, not with their real representatives. This is how these people nullify some of the positive aspects of it, if there are any positive aspects left in the Councils. It may be rather too harsh on my part, but Second Chambers in our country lead to some sort of political corruption. When elections are going on, they promise some adjustments, and say, "I will send you to the Upper House. You will be sent to the Lower House. So, please vote for me." This sort of manoeuvring is going on. This is a very unhealthy aspect of it. It does not foster our democracy. On the other hand it spoils it.

DR. R. B. GOUR: They have already nominated the Chairman of the Legislative Council in Andhra.

SHRI G. RAJAGOPALAN (Madras): He is himself a member who has come like that.

SHRI M. BASAVAPUNNAIAH: I was on the general point. It applies to this House also. We have moved a resolution here, and we stand for the abolition of all Upper Houses. (Interruptions). I will come to the question of unicameral and bicameral legislatures. I will come to that.

SHRI G. RAJAGOPALAN: He referred to members getting defeated and then getting themselves elected to Upper Houses. The hon. Member who is saying this is also one like that.

MR. DEPUTY CHAIRMAN: He agrees with that.

SHRI BHUPESH GUPTA: The hon. Member does not understand that we are in the same distress.

Da. R. P. DUBE (Madhya Pradesh) : Are you in the same position, Mr. Bhupesh Gupta? I do not think you are.

SHRI M. BASAVAPUNNAIAH: Mr. Rajagopalan has not understood me or he has understood me wrongly. He has not understood my position. I was here in this House even before. (*Interruption*). I never wanted that others should be sent out and I alone must remain in the House. That is No. 1. He says that after being defeated. I got elected here by some backdoor method. He has not understood the whole position. I was a Member of this House, and then I fought the elections and got defeated. I was present here beforehand so there is no question of backdoor in my case.

SHRI G. RAJAGOPALAN: Mr. Sundarayya came that way after last general elections last year.

SHRI M. BASAVAPUNNAIAH: Mr. Sundarayya did not come that way. If I refer to such things, I will be wasting my time. It is a case of ignorance.

SHRI K. L. NARASIMHAM (Madras) : It is Mr. Alluri Satyanarayana Raju who has come in that way..

SHRI A. S. RAJU: In spite of you and irrespective of you.

MR. DEPUTY CHAIRMAN: You will have your chance.

SHRI M. BASAVAPUNNAIAH: So, Sir, if there is enough talent in the country for mature deliberations, as our friends say . . .

SHRI BHUPESH GUPTA: For indulging in corruption.

SHRI M. BASAVAPUNNAIAH: I would recommend that the Government should take care of this talent and see that this talent is properly utilised. Now national reconstruction is going on in the country. There are National Extension Blocks, there is the Bharat Sewak Samaj and so many other things. And all this talent could be constructively put to use there.

instead of wasting the time of the Ministers here and wasting the money of the country, which can otherwise be put to better use, instead of increasing the membership of Legislative Councils or creating one for Andhra Pradesh. The additional expenditure would come to Rs. 3 crores according to my calculation, or it may be more., Now, in the name of democracy, in the name of the Constitution, I say that there is no just-m for this extension. It is a social waste, and the whole thing should be withdrawn.

Before I close, I have to say only one thing about this backdoor business. I am not worried about the interruptions. I am only worried about the time. Because the question of the backdoor method has been raised, I would like to know whether it is not a fact that the Congress, when it got defeated at the elections in the Madras State in 1952, tried to get in through the backdoor a retired politician and make him the leader of the.....

SHRI G. RAJAGOPALAN: On a point of order. He says that in 1952 in Madras.....

MR. DEPUTY CHAIRMAN: Why are you interrupting? You will have your chance.

SHRI G- RAJAGOPALAN: He says that people after getting defeated in Madras got themselves elected to the Council. I say that it was Mr. Sundarayya who came like that.

MR. DEPUTY CHAIRMAN: Please sit down.

DR. R. B. @OUR: When he says that Mr. Basavapunnaiah came by backdoor methods, is it not personal?

MR. DEPUTY CHAIRMAN: Mr. Basavapunnaiah is here to defend himself.

SHRI M. BASAVAPUNNAIAH: Basavapunnaiyah had no need to come through the backdoor. The question of backdoor applies only to the members on the other side. I can give other illustrations to show where backdoor methods were resorted. This question of backdoor methods cannot be attributed to our side. It is not by backdoor methods that we want to gain anything, gain any office and make something out of it. It is not that way. The members who sit on the other side will not gain anything by their backdoor methods. It is the party in power with its majority, with its brute majority here, which wants, by creating two Houses, to delay all progressive legislation. These Councils will be hindrances for the progress of legislation. It is not a question of backdoor. It is a question of principle. It is a question of wasting Rs. 3 crores; it is a question of wasting so many hours of work. It is not a question of one member coming this way and another coming that way. It is the other party which wants to perpetuate itself for all time by these methods, thinking that it should be either they or otherwise there is no India. Now, I would conclude by saying that there should not be any extension of the Andhra Legislature. The argument is raised that there is the resolution which was passed by the Andhra Assembly. A resolution was passed by the Bombay Assembly, but it had no value in your eyes. The argument was trotted out that in between so many things had happened. The Andhra resolution also can be taken that way that in between so many things have happened, the Plan has had to be pruned, food is scarce, the cost would be Rs. 3 crores, etc. and taking advantage of all these things, they can say that for the time being, leaving aside the question of unicameral and bicameral legislatures, the question of creation of Upper Houses or that of increasing their membership should be dropped. If you feel that there is talent in the country, it could be put to the best use in doing something positive. The extension or strengthening of legisla-

ture should not arise now, whether in the case of Andhra or elsewhere.

SHRI T. R. DEOGIRIKAR (Bombay) : Sir, I beg to differ from the previous speaker, and I do not condemn the principle involved in the Bill. The propriety of Second Chambers in State Legislatures is being questioned in the press, on the platform and also here. There is either a strong condemnation or harsh criticism for the sin, which they allege, we are committing in continuing these Second Chambers. I cannot understand why my friends have become so impatient.

SHRI M. GOVINDA REDDY (Mysore): Because they cannot get in anywhere.

SHRI T. R. DEOGIRIKAR: Our democracy is not old enough and the little experience that we have gained during these 7 years has sufficiently brought to our notice that our democracy is becoming successful. I don't know whether that is coming in their way. The structure of the Second Chambers is old and we have taken it from the British regime.. It is said that the British form of democracy is an ideal one, not that we are following it *in tota* but to a certain extent we do follow it and it should always be our attempt to improve upon it. There are certain things which are said for abolishing Second Chambers and the financial consideration is one. My friend just now said that these Second Chambers are like Ajagalas-thanans. I don't know whether all of us have understood the meaning of Ajagalasthanas but my friend has never *gone to* cut Ajagalasthanas. If he is willing to undertake a campaign of cutting Ajagalasthanas, then we should certainly welcome his proposal for abolishing the Second Chambers also. There is a similar saying in Sanskrit. He has quoted one and I am prepared to quote another.

“द्विव ब्रह्मोऽपि संवर्च्य स्वयच्छे तुम सांप्रतम् ।”

It is improper to cut even a poisonous tree ourselves after having grown it. So I can give another quotation to him from Sanskrit and say that it will be improper at this stage when we are experimenting on the successful working of democracy to make such suggestions.

DR. R. B. GOUR: So you think a poisonous tree is necessary for democracy?

SHRI T. R. DEOGIRIKAR: It will be more necessary for you than for us. As regards the finances, let me tell you that that excuse is not true. There are strong fears in the minds of our friends opposite that if a Government fails in the Lower Chamber, the Second Chamber will come to their help and avert a catastrophic

SHRI BHUPESH GUPTA: That is very ambitious.

SHRI T. R. DEOGIRIKAR: That is the real fear which is lurking in their minds but let me tell them that if by chance as they have done in Kerala, they come into power at other places at some other time, these Second Chambers will come to their help as well. So at the worst, they could have said that 'Instead of abolishing Second Chambers all over India, give us Second Chamber in Kerala'. That would have been the proper course for them to adopt but they are not prepared to do it.

AN HON. MEMBER: Because they may not get it.

SHRI T. R. DEOGIRIKAR: If they try they may get it.

SHRI BHUPESH GUPTA: We don't want to play into that provocation.

SHRI T. R. DEOGIRIKAR: It would have been proper for you to make that demand but you are not making it.

As regards expenses incurred for maintaining the Second Chambers, let me bring to the notice of my friends that the expenses are not alarming. We are spending crores of rupees on planning, development, administrative purposes etc. My friend said it comes to Rs. 2 or 3 crores. I don't know the exact figures but spending a few lakhs on these Second Chambers should not be advanced as an excuse for abolishing them. These Second Chambers have never been a hindrance during the course of these seven years. So let that not be put forward as an excuse for abolishing them. However I admit one thing. It is necessary to alter the form of these Second Chambers and I say that they must undergo a radical change. I have no plan prepared for that change but I can say that these Second Chambers should never be an epitomised edition of the Lower Houses. We must have Second Chambers wherein the function, the form and the performance should be of a separate type. So at the most we can say that Second Chambers should undergo a change so as to suit our purpose and make our democracy more effective and efficient. That much alteration is needed and I think a time has come when it has become necessary to make a request to the Government that a Commission be appointed to review, to revise and to recommend the changes that are necessary for the efficient working of our Second Chambers. If, on the other hand, for political or other reasons, that is not possible, then I am going to make not a fantastic but an astounding suggestion.

AN. HON. MEMBER: It might be both.

SHRI T. R. DEOGIRIKAR: Let us have a Third Chamber. Don't call it the Third Chamber, don't be afraid but let there be a body .

SHRI BHUPESH GUPTA: That already exists in Congress offices . .

AN HON. MEMBER: In Soviet Russia also.

SHRI T. R. DEOGIRIKAR: Let there be a body consisting of 15 or 20 persons who are experts in politics, economics, industry labour etc. and let them scan, analyse, revise, review and amend whatever legislation we pass in both the Houses.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Star Chamber.

SHRI T. R. DEOGIRIKAR: There is Supreme Court above the High Courts. The functions of the District Courts, High Courts and Supreme Courts, just as they differ, similarly there should be, if my friends would like it . . .

SHRI BHUPESH GUPTA: Call it a Durbar.

SHRI T. R. DEOGIRIKAR: I am prepared if any other name is given. Don't call it a Third Chamber. Let there be a Supreme Body which will review and revise all the legislative measures which we pass.

SHRI J. S. BISHT (Uttar Pradesh): Call it a Privy Council.

SHRI T. R. DEOGIRIKAR: Yes. Many a time we pass measures hurriedly and equally hurriedly we amend them. So it has become imperative to make the Second Chambers more effective and more efficient. So this must be done immediately but by immediately I don't mean within a year or two but before the next elections are over, it is necessary to recast the Second Chambers as are existing today. I don't know whether my friends opposite want to pass a measure of self-immolation and say that the Rajya Sabha should also be abolished.

DR. R. B. GOUR: We have said that long ago. We stated by it.

SHRI T. R. DEOGIRIKAR: But they have not said it so far.

DR. R. B. GOUR: We have said it.

SHRI AKBAR ALI KHAN: They are not practising it.

SHRI T. R. DEOGIRIKAR: So the time has come when the Second Chambers should be recast and should be made more efficient, more effective, more responsible and should not be criticised by each and every person. I was told just now that in Soviet Russia also there are two Chambers.

DR. R. B. GOUR: Are you copying everything from Soviet Russia?

SHRI T. R. DEOGIRIKAR: If I begin to copy everything from Soviet Russia, I should say that if there is a of 100 people there, only one counts and others are ciphers. That is the system in Russia and if power at any time comes into your hands, will not only abolish Second Chambers but you will also abolish the Lower Chambers as well but that day will be a Doomsday.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): They will instal a Dark Chamber.

SHRI T. R. DEOGIRIKAR: So we don't want to emulate the Soviet example at all but as it exists today, even in Soviet Russia there are Second Chambers and let us not every now and then say that our Second Chambers are had and so on. My friend quoted the example of Bombay State Assembly. Yes, what he said was true. Once it was decided that the Second Chambers in Bombay should be abolished but he has failed to mention one thing. Very recently the Bombay Legislative Assembly passed a Resolution that Second Chamber should not only continue but the number of Members from 72 should be raised to 108. That he forgot to tell. So what he has quoted was not right.

Sir, I have nothing more to say. I only wish to say that Second Chambers must continue, they must be recast, they must be made more efficient and they will not be a burden on the society and should not involve us in unnecessary expenditure. With these words, I support the Bill.

श्री अश्वेश्वर प्रसाद सिंह (बिहार) :
 उपसभापति महोदय, अभी इस बिल को मैं फिर से पढ़ रहा था और हाउस में थोड़ी ही देर की बहस में जो गर्मी आई है उसको भी मैं देख रहा था तो मुझे ताज्जुब हुआ कि आखिर इस बिल में है क्या ? इस बिल में सिर्फ तीन मुख्य बातें हैं। पहली बात यह है कि आन्ध्र प्रदेश में कौंसिल बनाई जाये और उसके मेम्बरों की तादाद इतनी हो, दूसरी बात यह है कि मध्य प्रदेश में कौंसिल हो और उसके मेम्बरों की तादाद इतनी हो और तीसरी बात यह है कि सात प्रान्तों में, जहां कि पहले से ही कौंसिल है वहां उनके मेम्बरों की तादाद बढ़ाई जाय। यही तीन बातें इस बिल के अन्दर हैं।

अब जहां तक आन्ध्र का सवाल है उसके सम्बन्ध में मेरा यह कहना है—बहुत नम्रता के साथ कहना है—कि जो लोग इसका विरोध करते हैं वे अगर संविधान की धारा १६६(१) को देखेंगे तो उन्हें यह मालूम हो जायेगा कि हमारे पास इसके सिवाय और कोई चरा नहीं है कि हम इसको पास करें। धारा १६६(१) में यह है कि अगर किसी स्टेट की असेम्बली “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” यह पास करे कि हमारे यहां कौंसिल होनी चाहिये तो आर्टिकल १६६ के अनुसार पार्लियामेंट को वह चीज मंजूर ही करना है। तो इस पर हम बहस कर लें, यह दूसरी बात है लेकिन इसका विरोध हम कर ही नहीं सकते, क्योंकि इस कांस्टीट्यूशन से हम बंधे हुये हैं।

अब दूसरी बात मध्य प्रदेश की है। तो स्टेट्स रिआर्गनाइजेशन एक्ट में हमने यह पास किया है कि मध्य प्रदेश में कौंसिल हो। इसके अलावा संविधान की धारा १६८(१)(ए) में हम देखते हैं कि “मध्य प्रदेश” ब्रैकेट्स में लिखा है और उसके नीचे एक्सप्लेनेशन में यह है :

“Ins. by the Constitution (Seventh Amendment) Act, 1956”
 तो बात खत्म है, पहले से ही निश्चित है और हमें उस पर अपनी मुहर लगानी है।

अब स्टेट्स रिआर्गनाइजेशन एक्ट में मध्य प्रदेश की कौंसिल के मेम्बरों की जो तादाद दी गई है उसको इस बिल में बढ़ाया है, यह एक सवाल है और ७ स्टेटों में भी कौंसिल के मेम्बरों की तादाद बढ़ाने का सवाल है। तो इसके लिये भी आप देखें कि कांस्टीट्यूशन में यह अमेंडमेंट किया गया है कि अगर किसी स्टेट में कौंसिल हो तो उसकी असेम्बली में जितने लोग हैं उसकी ज्यादा से ज्यादा एक तिहाई तादाद के लोग कौंसिल में रह सकते हैं। अब जब हम नवों सूबों में कौंसिल के मेम्बरों की तादाद को इस बिल में देखते हैं तो हमें यह दिखाई पड़ता है कि उनकी तादाद एक तिहाई से कुछ कम है। सेन साहब तो अभी यहां नहीं हैं लेकिन मैं यह कहना चाहता हूँ कि मेरी समझ में यह बात नहीं आई कि उन्होंने इतनी कृपणता क्यों दिखाई कि उनकी तादाद एक तिहाई से कम कर दी। यह बात जरूर है कि कांस्टीट्यूशन यह कहता है कि उनकी तादाद मैंकिसमम एक तिहाई तक हो सकती है, यानि उससे कम भी हो सकती है। खैर, पहले एक चौथाई संख्या थी और अब एक तिहाई है। इन कौंसिलों के कामों को देख कर हमें यह ताज्जुब हुआ है कि इनकी संख्या को बढ़ाना चाहिये और इसमें हम इसको बढ़ाना चाहते हैं। अब ये जो श्री भूपेश गुप्त जी के अमेंडमेंट्स हैं उनको मैंने देखा। मैं और मेरे माननीय मित्र दोनों, पब्लिसी स्टेटों से आये हैं, मैं बिहार से आया हूँ और वह बंगाल से आये हैं और कभी दोनों एक स्टेट थे। मैं समझ नहीं पाता हूँ कि वह क्यों हमसे इतने खफा हैं। अभी इस वक्त बंगाल की कौंसिल में ५१ जगहें हैं और बिहार की कौंसिल में ७२ जगहें हैं और सेन साहब ने जो बिल अभी पेश किया है उसमें बंगाल में ७५ जगहें और हमारे यहां ६६ जगहें रखी हैं। यह इसको कम करना चाहते हैं और

[श्री अश्वमेधेश्वर प्रसाद सिंह]
 चाहते हैं कि बंगाल में ३० जगहें हों और बिहार में ३७ जगहें हों। आप ही बताइये कि ३० आदमियों की कौंसिल बंगाल में हो और ३७ आदमियों की कौंसिल बिहार में हो? समझ में नहीं आता कि क्या बात है? इसी तरह से औरों के लिये भी उन्होंने घटाया है। लेकिन बंगाल ने उनको क्या नुकसान पहुंचाया है और बिहार ने क्या नुकसान पहुंचाया है—हम तो उनके पड़ोसी और मित्र हैं—यह बात हमारी समझ में नहीं आई है। आखिर बात क्यों नहीं समझ में आई? इसलिये कि हम और वह दोनों ही राज्य-सभा में बैठते हैं,—वह एक दल के नेता हैं और रोज उनकी पुरअसर और बड़े जोर की तकरीरें तीन, चार बार होती हैं और उनको हम रोज सुनते हैं—और इस हाउस की मैक्सिमम तादाद २५० है, हालांकि अभी यहां तादाद २३२ ही है, जब कि लोक-सभा की तादाद ५०० है, यानी ५०० के आधे की तादाद में हम यहां बैठे हुये हैं, तो जब कि ५०० के आधे की तादाद में हम यहां बैठे हैं तब भी अगर कौंसिलों के मेम्बरों की तादाद एक तिहाई से भी कम होती है तो वह भी हमें मंजर नहीं है, तो यह कहां की मुनासिब बात है वे ही बतायें। मैं सेन साहब से भी कहूंगा कि उन्होंने पूरी एक तिहाई तादाद को क्यों नहीं रखा। शायद यह बात हो कि पहले का जो तजुर्बा हुआ उससे एक चौथाई से कुछ आगे बढ़ाया है और अब २, ४ वर्ष देखने के बाद उसे एक तिहाई कर दें। अगर उनकी यह मंशा है तो फिर इस बारे में मुझे कुछ नहीं कहना है लेकिन भूपेश गुप्त जी से मुझे यह जरूर कहना है कि हम तो ऐसे हाउस में बैठें जिसकी कि तादाद लोक-सभा से आधी है लेकिन कौंसिल के लिये एक तिहाई से कम की तादाद भी हमें मंजूर न हो। अगर हम और वह बिहार और बंगाल की कौंसिल में होते तो वहां बैठ कर क्या सोचते? यह मैं उनसे जानना चाहता हूँ। हम वहां पर बैठ कर क्या यह सोचते कि जो ५१ की तादाद है उसको ३० कर दें?

इसलिये मेरा कहना है कि जहां तक तादाद का सवाल है उसको गवर्नमेंट की तरफ से कम किया गया है, वह ज्यादा नहीं है।

अब, पैसे की बात कही गई। तो इस सम्बन्ध में मुझे यह कहना है कि अगर हमें लोकतन्त्र रखना है तो यह जो पार्लियामेंट की और असेम्बलीज की मशीनरी है इस पर खर्च में कभी कटौती नहीं की जायेगी, इसलिये इस सम्बन्ध में पैसे की बात नहीं लानी चाहिये।

अब, एक दूसरा सवाल और उठता है। लोक-सभा में जो बहस हुई थी उसमें यह कहा गया था कि रूस में दो हाउसेज सेंटर में तो हैं लेकिन स्टेट्स में नहीं हैं, अमेरिका में दो हाउसेज सेंटर में तो हैं लेकिन स्टेट्स में नहीं हैं।

श्री किशन चन्द (आन्ध्र प्रदेश) : हैं।

श्री जसोद सिंह बिष्ट : अमेरिका में तो ४८ स्टेट्स में दो दो हाउसेज हैं।

श्री अश्वमेधेश्वर प्रसाद सिंह : अच्छी बात है, होंगे लेकिन वहां जो कहा गया है उसको मने पड़ा है, उसमें यही है। तो वह बात गलत कही गई होगी। तो जहां तक रूस का सवाल है, उसके विधान को हमें देखना चाहिये। उसको मैं दिखाता हूँ, श्री भूपेश गुप्त जी मुझे माफ करेंगे। तो हमारे साथ दिक्कत यह है कि एक पार्लियामेंटरी डेमोक्रेसी होती है और एक सोवियट सिस्टम होता है। चूंकि हाउस में थोड़ी गर्मी आ गई है इसलिये मैं अपनी बात को बहुत ही मुला-मियत से कहना चाहता हूँ कि सोवियट सिस्टम में पार्टी, गवर्नमेंट और स्टेट तीनों एक ही हैं लेकिन यहां पर स्टेट में और गवर्नमेंट में फर्क है और गवर्नमेंट में और पार्टी में फर्क है। हम कांग्रेस पार्टी के हैं तो हमारे सवाल पार्टी की मीटिंग्स में आते हैं लेकिन कांग्रेस पार्टी और गवर्नमेंट एक नहीं है और उसी तरह पार्टी और स्टेट सोलहों आने दो चीजें हैं। इसलिये यदि हम वहां यानी रूस की चीजों

को सामने ला कर उसका अनुसरण करे तो हमें बड़ी दिक्कत होती है क्योंकि इस दुनिया में अपने अपने तरीके के दो बड़े एक्सपेरिमेंट्स हो रहे हैं, एक तो सोवियट सिस्टम का एक्सपेरिमेंट है और दूसरा डेमोक्रेसी का एक्सपेरिमेंट है। मैं कहता हूँ कि बहुत सी बातों में इनमें उत्तर और दक्षिण का सम्बन्ध है, इसलिये इसका अनुकरण करके, इसका उदाहरण दे कर हम नहीं चल सकते।

अब अमेरिका की बात लीजिये। वहाँ स्टेट्स में असेम्बलीज भी होंगी, और कंसर्वे भी होंगी, मुझे पता नहीं है लेकिन अमेरिका में जो सेनेट है और जो हाउस आफ रिप्रेजेंटेटिव्स है दोनों ही डाइरेक्ट इलेक्शंस से आते हैं और दोनों को ही फाइनेंस बिल पास करने का राइट है। कितनी ही बातों में वहाँ की जो सेनेट है उसको बहुत पावर है, वह ट्रीटीज को रेटिफाई करती है, फेडरल एपॉइंटमेंट्स को भी कन्फर्म करती है। इसीलिये वहाँ की और हमारी कोई तुलना नहीं है। फिर अमेरिका में क्रांति को १७५ वर्ष हो गये हैं और उसके बाद ही उसका विधान बना था लेकिन जब हमारी कांस्टिट्यूट असेम्बली बनी और विधान बना तब विधान बनाने वाले हमारे नेताओं को दुनिया के विधानों को देख करके उसमें अच्छी से अच्छी चीजें लेने का मौका मिला है। हमारी कौंसिलों ने सात स्टेट्स में जो काम किये हैं वे अच्छे काम किये हैं। हमारे कार्टिसिल आफ स्टेट्स (राज्य सभा) ने भी बहुत अच्छा काम किया है। हिन्दू मैरेज ऐक्ट और जितने भी सोशल लेजिस्लेशन १९५५-५६ के वर्षों में पास हुये हैं, वे हमारे राज्य-सभा में पहले पेश हुये थे। अगर यहाँ एक चेम्बर होता तो उनके पास होने में बहुत कठिनाई होती। मैं सन् १९५० में जब कि एक चेम्बर था—प्राविजनल पार्लियामेंट थी—तब उसका सदस्य था और १९५२ से ले कर १९५६ तक लोक-सभा का चेम्बर था। इसलिये मैं दोनों सदनों का हाल जानता हूँ। सन १९५५-५६ में लोक-सभा में सोशल 60 RSD—5.

लेजिस्लेशन पास करने में कुछ दिक्कत थी क्योंकि उनके सामने १९५७ के आम चुनाव थे और इसलिये अनिश्चितता के कारण डर था। यहाँ वह डर नहीं है क्योंकि यहाँ इनडाइरेक्ट इलेक्शन से हाउस होता है, यहाँ जनता द्वारा मतदान की प्रणाली से चुनाव तो होते नहीं। इसी कारण हम निर्भयता के साथ अपने यहाँ से कई एक सोशल लेजिस्लेशन पास कर चुके हैं। हमने चौदह, चौदह बिल पांच वर्षों में तरमीम के साथ लोक-सभा को पास करके भेजे हैं जिनको लोक-सभा ने बाद में स्वीकृत किया है। मनी बिल तक मैं हमने तरमीम की है।

(Time bell rings.)

मैं दो मिनट और लूंगा। कौंसिलों में भी इसी तरह की चीजें हुईं। राज्यों में अगर असेम्बली चाहे तो अपनी कौंसिल को भंग कर सकती है, मंसूख कर सकती है। स्टेट रिआर्गनाइजेशन के सिलसिले में हमारे पूज्य पंत जी ने जो वन थर्ड रिप्रेजेंटेशन रखा। कौंसिलों के लिये तो वह उनके काम को देख कर ही किया, केवल इसलिये कि पांच वर्षों में उन्होंने अच्छा काम कर के दिखाया। हम उनकी तादाद को बढ़ाना चाहते हैं। उनको रिप्रेजेंटेशन और ज़ादा दिया चाहते हैं मैं ऐसा समझता हूँ कि एक दिन ऐसा होगा कि असेम्बली के ५० परसेंट स्थान उनको मिल जायेंगे।

मैं सिर्फ एक छोटा सा किस्सा कह कर समाप्त करता हूँ। मि० टामस जेफ़रसन और जाज़ वाशिंगटन दोनों नाश्ता कर रहे थे। जेफ़रसन साहब ने यह कहा कि ये सिनेट क्यों रखे हुये हैं, अपने मुल्क में हाउस आफ रिप्रेजेंटेटिव्स तो काफी है। वाशिंगटन ने कहा कि तुम काफ़ी को सौसर में क्यों रख रहे हो? तो उन्होंने कहा—To cool it; (इसको ठंडा करने के लिये) इस पर वाशिंगटन साहब ने जवाब दिया : Even so, we pour the legislation into the Senatorial saucer to cool it. (उसी तरह हम लेजिस्लेशन को सिनेट के सौसर में डालते हैं ताकि वह शीतल हो जाय।)

SHRI LAKSHMAN SINGHJI BAHADUR (Rajasthan): Mr. Deputy Chairman, the Bill largely contains consequential provisions resulting out of the laws passed for the reorganisation of the States recently created. In so far as the consequential nature of the provisions of the Bill is concerned, there is little I have to offer by way of criticism but there are certain lacunae and incompatibilities which I would like to point out as my duty even though it may amount to ploughing a lonely furrow in wilderness.

My first reaction to the Bill leads me to the view that the existence of these Legislative Councils wherever they exist is a superficiality. It is only right and proper, indeed consistent with the serene dignity and stability of a country like ours, to have, at the Centre, a bicameral system of legislature symbolising the Sovereign Democratic Republic of Bharat. But, the existence of these revising chambers in some States irrespective of their size and the nonexistence of these chambers in certain other States irrespective of their sizes seems to be based on no logic or reason. When the difference between Part A and Part B States has rightly been done away with, the nonexistence of revising chambers in most of the Part B States is, to my mind, discriminatory; may be discriminatory not strictly in the constitutional sense but certainly discriminatory on the face of it.

[THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) in the Chair.]

This anomaly could easily be done away with if the ruling party or the Government so decides by taking resort to article 169 of the Constitution which deals with the procedure of creation and abolition of these Councils. I say so in view of the present strong position of the ruling party both here and in the States. It [is possible that the House may boo] the idea of abolishing these Councils- 1

in entirety but I for one would welcome such an eventuality as a just and equitable solution to the problem. If, however, this does not find favour then, in fairness to the States having a single chamber, I would strongly commend the idea of providing them with the luxury of the added trapping of a revising chamber as well. In order to come to my own point of view irrespective of what the Government may decide to do, I might add that in the present climate, I consider it desirable, indeed essential, to do away with these Legislative Councils wherever they exist. In view of the overriding powers of the Central Government and in view of the fact that the financial stability of States is very largely dependent on the subsidies doled out by the Centre and in consequence, the responsibilities and the autonomy of the State Ministries being correspondingly diminished, not only to my mind would such a measure be absolutely safe but just and equitable. Above all, the recurring economy effected thereby would result in precious money being saved which could be utilised on projects far more beneficial to the country rather than frittering away our finances over maintaining these bodies, the existence whereof, to my mind, is totally redundant. If the ruling party is in earnest about effecting economy and enforcing uniformity in the best interests of the country, it can achieve this end by virtue of its strong position in Parliament and in the Legislatures of the various States. It seems to me that the measure is so glaringly full of inconsistencies when one finds that the strength of the Legislative Councils in about half a dozen or so States is to be increased from one-fourth to one-third of the total membership of their Legislative Assemblies while the membership in great States like Uttar Pradesh and Bombay is kept down, for reasons quite unknown, to one-fourth. In direct contrast to this, in the remaining States, no Legislative Councils have been brought into being at all.

Mr. Vice-Chairman, coming as I do

fiort an area that comprised for centuries the territories of former Princely States, I cannot help feeling that with the sole exception of one, no Legislative Council was provided for a single Part B State which came into being consequent upon the integration of the former Princely States resulting from Partition and subsequent independence of India. The irony as it were becomes singularly patent when, with the advent of the amalgamation of Hyderabad and Andhra, the glorified State of Andhra, Vishal Andhra Pradesh, is to have two Legislatures. Similarly with the merger of Madhya Bharat, Bhopal and Vindhya Pradesh into Madhya Pradesh the people of the three former princely areas are to derive the benefit—if I may call it a benefit—or the luxury of a revising council. Again, with the merger of Saurashtra in Bombay and of PEPSU in the Punjab, the people of Bombay will find representation in the Bombay Council and those of PEPSU in the Legislative Council of the Punjab. But it seems an irony of fate that such units as Rajasthan, Kerala and Orissa which have remained unaffected—practically unaffected if I may say so—by the recent reorganisation of States should be left high and dry with their Legislative Assemblies only. It is only a question of who wants a council. If the ruling party wants it everybody would want it; article 169 is quite clear. The States of Rajasthan, Kerala and Orissa are as much a part of the former Princely India as Hyderabad, Madhya Bharat, Vindhya Pradesh, PEPSU, or for the matter of that, Saurashtra. But because these three units of Rajasthan, Kerala and Orissa are accidentally not affected by the recent reorganisation of the States, they should be deprived of boasting of the luxury of a Legislative Council seems *to me* to be a very peculiar dispensation indeed.

SHM AKBAR ALI KHAN: If their Assemblies want it, they can be given.

SHRI LAKSHMAN SINGHJI BAHADUR: If the Congress Party wants it, then automatically and logically it follows that they would want it. I said article 169 of the Constitution lays down the procedure.

(Interruptions.)

THE VICE-CHAIRMAN (Sum M. GOVINDA REDDY) : Order; order: Let him continue.

SHRI LA K S H M A N SINGHJI BAHADUR: I cannot say if this is an accident or a coincidence but it is difficult for one like me to get over the feeling that the former Part B States were given by the Central Government a step-motherly treatment in the matter of providing them with a revising House and this lacuna continues unto this day in the case of Rajasthan, Kerala and Orissa. By the by, it may be borne in mind that the territories of the former Princely States constituted in point of area no less than about half of the present Republic of Bharat. In the name of these areas what I beg to claim is equality and uniformity of treatment with the rest of the country without in the slightest degree harming the fundamentals of democraey.

I wonder if the Government would rise to the occasion and come forward with, what I would call, a healthy and desirable reform by doing away with these Legislative Councils wherever they exist or whether they would, by passing this measure, patronise many a Congress stalwarts by giving them cushy jobs when the country i-^s being saddled with tax after tax and the targets of the over-ambitious second Five Year Plan remain a mirage and, further, when the poor man is being crushed with uncontrolled and alarming rise in the price of essential commodities of life. These are matters that could be left to the verdict of history; I for one would have the satisfaction, albeit a taint satisfaction, of having had my say far what it may be worth.

SHRI AKHTAR HUSAIN (Uttar Pradesh): Mr. Vice-Chairman, the Bill before us is a very simple measure. It only proposes to establish a second Chamber, a Legislative Council, in the State of Andhra and to increase the number of members of the other existing Legislative Councils in the various States, and one would have thought that the measure was one which would not be utilised as an occasion for discussing the desirability of having second chambers or as an opportunity for the purpose of making unfounded allegations against the ruling party. However, an hon. Member from the Communist benches was pleased to say that he did not want a Legislative Council for the State of Andhra. Now, so long as the constitutional provision contained in article 169 exists and the Resolution of the Andhra Pradesh Legislative Assembly is to the effect that a Legislative Council be established, I do not know how it would be possible for any member of the Opposition to say that although the Legislative Assembly of Andhra Pradesh demands the establishment of a Legislative Council, it should not be established.

DR. R. B. GOUR: Is that clause of the Constitution obligatory? May I know that from the hon. Member?

SHRI H. P. SAKSENA (Uttar Pradesh) : All clauses of the Constitution are obligatory.

SHRI AKHTAR HUSAIN: The question that arises is who is the better judge (*Interruptions.*) If my hon. friend will kindly bear with me for a minute he will kindly appreciate that the best judge to determine whether a Legislative Council is or is not required for Andhra Pradesh is not a member of the Communist Party or a member of 'X' party or 'Y' party _____

DR. R. B. GOUR: But the Congress Party.

SHRI AKHTAR HUSAIN: But it is the people. . .

DR. R. B. GOUR: On a point of order, there is nobody there.

SHRI BHUPESH GUPTA: I would like to know what has happened to the Law Department. There is no one present.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : The Deputy Minister is there.

SHRI BHUPESH GUPTA: She is always here.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : He has taken the permission of the Deputy Chairman and gone out. Please, let him continue.

SHRI BHUPESH GUPTA: But I would like to know seriously. They are pleading here for second chambers. But at the same time this is how they deal with it. They are not even interested to be present here when the House is dealing with this measure.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : Anyway, he has come.

SHRI AKHTAR HUSAIN: Therefore I was trying to submit and explain to my hon. colleague on the Opposite Bench that the party under the Constitution to determine the desirability or the advisability or the necessity of establishing a Legislative Council in Andhra Pradesh is the Legislative Assembly there elected on adult franchise. Now, what objection can my hon. friend opposite take to the Government accepting that recommendation or that Resolution of the Legislative Assembly of Andhra Pradesh? Do they think that they alone are the repositories of wisdom and they alone represent the public opinion of Andhra Pradesh and not the members of the Legislative Assembly of Andhra Pradesh who have been elected on adult franchise?

DR. R. B. GOUR: The old Hyderabad Assembly passed a Resolution for Samyukta Maharashtra at that time. You did not accept¹ it, did you?

SHRI AKHTAR HUSAIN: My hon. friend tries to go into the history of times which have greatly changed. It is not possible to give any effect to any Resolution that may have been passed by the Hyderabad State Assembly before the reorganisation of the States. Times have greatly changed and it is not open to the hon. Members on the side opposite

SHRI AKBAR ALI KHAN: The Hyderabad State Assembly also passed a Resolution.

SHRI AKHTAR HUSAIN: And I am informed by an hon. colleague from Hyderabad that the Hyderabad State Assembly also passed a Resolution to the effect that a Legislative Council should be established. Now, in the face of this Resolution which embodied the result of the deliberations of two responsible bodies, I do not know if we should give any weight to the suggestions that are now made by the side opposite to the effect that a Legislative Council for the State of Andhra Pradesh is unwanted. Now, in trying to prevent the establishment of the Andhra Pradesh Legislative Council, my hon. colleague on the Communist Bench was pleased to make some very unkind remarks about the Second Chambers. Of course, it was said that the Legislative Councils are being established for the purpose of establishing 'yes men'. Now, this is the Council of State, a Second Chamber. And I would like to know whose 'yes man' is my hon. friend who made that uncharitable remark about the Second Chambers? At whose instance has he come? It is not possible to lay down any hard and fast rule that

DR. R. B. GOUR: We are just following you in our chase of the Congress Party.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Order, order.

SHRI AKHTAR HUSAIN: Now, my hon. friend has admitted that he is a 'yes man' of his party.

DR. R. B. GOUR: Of course, of my party.

SHRI AKHTAR HUSAIN: Very well. In a democracy you have to keep a number of disciplined persons who would carry out the mandate of the party. It would not be possible for a democratic form of government" to function if everybody behaved in an undisciplined manner.

SHRI BHUPESH GUPTA: For that you don't need a Second Chamber.

DR. R. B. GOUR: You do not need a Second Chamber for that.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Order, order.

SHRI AKHTAR HUSAIN: Now, my friends on the side opposite put forward another argument that a Second Chamber is unnecessary. Well, for purposes of revising legislation, for purposes of giving proper thought and attention to legislative enactments, it is necessary to have a Second Chamber. In all democratic countries of the world, there are Second Chambers. Even in the totalitarian system, there are Second Chambers. But I do not know why the hon. Members on the side opposite are opposed to the establishment of Second Chambers, when many Second Chambers have done very useful work in the past. I can recount with a certain amount of pride and satisfaction that in the State of Uttar Pradesh the Legislative Council was the first body that opposed a Bill passed by the Legislative Assembly. We were not afraid of countermeasures what was alleged to be popular will and we forced a joint session of the two Chambers. We have been doing very useful work in the State of Uttar Pradesh and the Legislative Council there has time after time asserted itself, made amendments, improvements in legislative measures put forward before it, before they became law. And I believe that would be the record of other Legislative Councils also. But I can speak with a certain amount

[Shri Akhtar Husain.] of knowledge about the good work that was done by the Upper Chamber, the Legislative Council in the State of U.P.

DR. R. B. GOUR: On what measure did you revise in Uttar Pradesh?

SHRI AKHTAR HUSAIN: I have not heard the hon. Member. Kindly. . .

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : Your time is running short. (*Time bell rings.*) Please wind up.

SHRI AKHTAR HUSAIN: I am very sorry. Thank you very much for guiding me in this matter. Now, I will state very briefly what I have to say. I was making out a case for the establishment of Legislative Councils and incidentally I mentioned the case of the Legislative Council of Uttar Pradesh.

The next point about which I beg to address you is on the strength that I proposed to be given to the Legislative Council of the State of Uttar Pradesh. Now, I think the hon. Law Minister told us that the strength of the Legislative Councils would be between one-fourth and one-third of the strength of the Legislative Assemblies. I would like to draw his attention to the fact that in the State of Uttar Pradesh there are 430 members and surely he will agree with me that 108 is not 30 per cent, of 430.

SHRI BHUPESH GUPTA: It is an exception.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : Your time is running out.

(*Time bell rings.*)

SHRI AKHTAR HUSAIN: Kindly let me finish. This is an important matter. I was trying to say that while the State of Bombay with only 396 members- in the Assembly has got 108 members and Madhya Pradesh with

288 members has got 90 members in the Legislative Council, there does not seem to be any justification for not raising the strength of the Legislative Council of U.P. to at least 141.

SHRI BHUPESH GUPTA: Why?

SHRI AKHTAR HUSAIN: And I will give you the reason. I have just heard the contemptuous scoff of my hon. friend, the Leader of the Opposition. I would like to tell him that the idea is that the State of Uttar Pradesh should be given an opportunity of giving due representation to the very large number of refugees who have come to our State, to the very large Bengali population in our State. Even the city of Lucknow has sent a Bengali gentleman as a representative of the town of Lucknow. We in Lucknow at least have never allowed our judgment to be influenced by parochial or narrow considerations. (*Time bell rings.*) We have always given. . .

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : You shou'd now stop.

SHRI BHUPESH GUPTA: Is it on the basis of Bengalis, refugees and a'l that?

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : The hon. Member will resume his seat.

SHRI AKHTAR HUSAIN: I shall just finish in a minute. Therefore, if the strength is given to the State of Uttar Pradesh, as provided in the Constitution, we will be ab'e to present for public service a number of people who would be able to contribute by their combined wisdom to the progress of the State. We feel that the Communist Members should not oppose this, because we only want a few flowers, only 141 fragrant flowers to blossom in the State of Uttar Pradesh, if they are allowed to discharge their duties in the Legislative Council there and I hope

SHRI BHUPESH GUPTA: What about the old flowers?

SHRI AKHTAR HUSAIN: I hope consideration will be given by the Government to the amendment proposed by the Uttar Pradesh Members that the strength of the Legislative Council should be increased at least to 141.

SHRI V. C. KESAVA RAO (Andhra Pradesh): Sir, I thank you very much for giving me a chance to speak on this Bill. There is nothing new in this Bill. Though the Bill is called the Legislative Councils Bill and Legislative Councils are to be created in some States, and the strength of the Councils are to be increased in some other States, I do not think there is anything new, except reorganisation of those Councils which were already in existence. The hon. Minister has stated, Sir, in his opening speech, that some of the members from Andhra have been there in the Madras Legislative Council for some years and that after Andhra has been separated, these members have lost their seats and there is nothing new in creating a Council for the Andhra Pradesh which is enlarging—a big State and a State bigger than Madras now.

Sir, in Andhra Pradesh the number of Council members to be elected is given as 90. The Andhra Pradesh Assembly also has discussed, to a certain extent, the question that the number should be increased to 96. This was discussed only to give some representation to the backward areas like Rayalaseema and the Telengana. I think, if the number is increased to 96, there will be equal distribution to these two backward areas also.

My Communist friend has been telling before me all falsehood. About the panchayats, he was telling that everyone was a nominated one. I am so sorry for his ignorance. He knows very well that there are some panchayats where there are Communists in a majority and we know how these panchayats are run. We had been dreaming of a *gram raj* and after the panchayats have been established, I think, we have realised that dream. And these panchayats have been doing

something good to the people, and my Communist friend knows very well that these panchayats are elected on adult franchise. He does not know that there is not even a single panchayat, municipality or district board which was nominated. Of course, for some time, there were one or two district boards where election was not possible and they were nominated. But those nominated district boards also have been abolished. Another thing in my State of Andhra Pradesh is that there are no district boards. They have been thinking of constituting some development councils in place of district boards and I think that there will be some kind of an election to these also and people who are elected directly by the people will have to vote for the members to be elected to these councils.

Sir, in democracy, my friend was speaking, there was brute majority and that the Congress people would nominate their own people to do pro-oaganda during elections. I am so sorry for his remark. There are people also in this House who have come indirectly and who have been elected by the assemblies. And I do not think that even in Kerala where the Communists have come into power, there is a brute majority and the brute majority is doing as it wants to. And I do not think that in other States also where the Congress is in power, the government has been doing anything bad. Very recently, the Communist Government came to power in Kerala and we know that there was an uproar about the Education Bill and they did as they liked. There were many people in the State who were not willing to support the Bill. Still, they passed it. Those people who do not know about elections, who have no elections at all in their constitution or in their conception, think of elections or say that Councils should not be there. According to the Constitution, members to the Councils are to be elected by the Assembly Members or by the district boards, municipalities, and so on and so forth.

AN HON. MEMBER: Teachers?

SHRI V. C. KESAVA RAO: Teachers, graduates, and so on. So, I do not think that the ruling party or any of the parties which is in Government will do injustice and nominate their own people.

The hon. Minister was telling that, though in some cases, the number of members of the Legislative Councils has been increased, the nominated strength has not been increased. I would have been glad, Sir, if this nominated strength of the Councils is increased instead of increasing the number from the other constituencies. I am asking for this increase to give some representation to the backward classes, Harijans and the Scheduled Castes and Tribes. The hon. House is aware that there is very scanty representation in the Councils from the Scheduled Castes and Scheduled Tribes. I do not think that, in most of the States, even a single member from these backward classes has been represented. Even in this hon. Ho««e,

I do not think, there are more than half a dozen representatives from these classes. So, if the nominated strength is increased, the President will be able to nominate some people from these classes and by that, even these backward classes will have some representation, to represent their feelings, in the Upper Houses also.

Sir, as regards the constituencies, I want to tell a word. There are these graduates constituencies, teachers' constituencies and so on. In regard to local authorities constituency, I want to suggest that Class III panchayats where executive officers have been appointed are to elect these members to Legislative Councils. Sir, there are Class II panchayats and there are many Class II panchayats without executive officers. I think, if at least the presidents of these Class II panchayats are given a chance to elect Council Members, we will be doing something good to all the Class II panchayats. So, I would request the hon. Minister to consider that at least, the presidents of all the Class

II panchayats may be included for election.

Another point in regard to nominated strength is that the Governor nominates people from various walks of life, people belonging to literature and so on. I think, Sir, if we include members of University Senates also along with those of the local boards, educated people from universities will also come into the Councils where they will be able to do something for the field of education.

With these few words, I sit down.

SHRI KISHEN CHAND: Mr. Vice-Chairman, the hon. Member who spoke first did not go into details, but he very clearly pointed out that on this problem of having a bicameral legislature, opinion is divided. All sorts of arguments have been advanced both in favour of and against the existence of a bicameral legislature. We have the example of Australia which has a very small population and yet, it has got about six States and each State has got a bicameral legislature. And it is possible that in a big Federal State

AN HON. MEMBER: Except Queensland.

SHRI KISHEN CHAND: Maybe, except Queensland. Well, I do not know it in great detail, but most of the States of Australia have got bicameral legislatures, and it is common knowledge there that during the past 10 or 50 years so many people have retired from those legislatures **that** every other man that you come across in Australia is or has been a member of one of the legislatures there, whether Central or local. So here the problem before us is whether we want bicameral legislatures in our Stat«« or not. I do not want to go into the academic controversy about its desirability or not. But at the present moment when we are going in for the Second Five-Year Plan and we are spending a large amount of money on our development expenditure, it is essential that there should be very careful scrutiny and examination of all expenditure.

Sir, I come from Andhra State which has an annual budget of Rs. 60

crores, and we are going to spend in the Five-Year Plan about Rs. 200 crores in Andhra State. Some of it will be contributed by the Andhra Government and some of it will be given as a help by the Central Government. We are spending nearly Rs. 60 crores every year, and the cost of the Legislative Council is going to be only about Rs. 3 lakhs. And even if I do not agree with the continuance or the existence of a bicameral legislature, even if I do not agree that Legislative Councils are very essential, even then I will maintain that when we are spending Rs. 60 crores every year, if we have to spend Rs. 3 lakhs on another House which will carefully examine all items of expenditure, and if in two or three years they can detect one mistake which may cause a saving to the State of about Rs. 50 lakhs or Rs. 1 crore, that House or the Legislative Council would have justified its existence. Sir, we frequently speak in this House about corruption and nepotism etc. But when we think of setting up a Legislative Council which in some minor matters may be able to detect some mistakes or examples of nepotism, we try to oppose it. I do not agree with it. I think that in the present context of our developmental economy, it is most essential that all expenditure should be carefully scrutinised and days and days must be spent over it.

Sir, we have 13 States in our country, of which 9 are going to have Legislative Councils and four are not going to have them. Of course, Kashmir is the 14th State that has got a Legislative Council. So out of 14 States 10 are going to have Legislative Councils and four States will not have them.

SHRI LA K S H M A N SINGHJI
BAHADUR: Kashmir is in a class by itself.

SHRI KISHEN CHAND: Even if it is in a class by itself, it is going to have a Legislative Council. They have passed a Bill for that purpose. So, Sir, out of 14 States 10 will have 60 RSD—6.

Legislative Councils and four will not have them.

One hon. Member raised some objection that there is discrimination here. May I point out that it is a question of population, a question of resources, a question of budget? These four States have a population of less than 20 millions, except Kashmir, which has been stated to be in a class by itself. Whereas the remaining 10 States have a population in excess of 20 millions.

SHRI LAKSHMAN SINGHJI
BAHADUR: What about Punjab?

SHRI KISHEN CHAND: It has a population of 20 millions.

SHRI LA K S H M A N SINGHJI
BAHADUR: It has not.

SHRI KISHEN CHAND: Well, a little less than that, say, about 19 millions. I am trying to show that it is after all a question of finances. The Budget of a State which has got a population of about 20 millions will be about Rs. 40 crores, and it is possible to spend, out of Rs. 40 crores, this additional amount of money. But for a small State which has a limited population like Kerala, Orissa or Assam, where the population is about 10 millions, if we are going to have bicameral legislatures, possibly we may be imitating the example of Australia. So I maintain, Sir, that in spite of any academic difference on this question, we feel that it is very essential to have Legislative Councils.

Sir, we have always pointed out that a teacher is very badly treated. A teacher cannot stand for election to the Legislative Assemblies, where the field is very wide and the expenses are heavy. And he cannot afford the time or the money for standing for the Legislative Assemblies. Therefore we should give them greater representation in the Councils. Some representation has been given to them in the Legislative Councils, and I will propose very shortly that that number should be increased. I want teachers to have a substantial representation in the Legislative Councils because they

[Shri Kishen Chand.] are the makers of our next generation, and until and unless they are better paid and they are treated better, and they have some status in society, we cannot improve the standard of our education. This will only be possible if we have a Legislative Council in which we give them fair representation. How is that going to be achieved?

Sir, the hon. Minister while introducing the Bill said that we are not increasing the number of nominated members. The number of 12 nominated members in a House of IOO is too big. In our Rajya Sabha we have the strength of 250 Members, and we have 12 nominated Members. But the hon. Minister forgets that the strength of the Legislative Councils is round about 100 members. Therefore in their case the strength of nominated Members should have been only 6. It should have been reduced to 6. If we calculate it exactly, it comes to 5; but I am prepared to give them the number of six.

SHRI JASPAT ROY KAPOOR: But we are bound by our Constitution.

SHRI KISHEN CHAND: When the hon. Minister was going to bring forward this Bill, he could as well have brought forward a Bill where he could have said that for the Assemblies one-third of the seats are reserved, and for the Municipalities and other bodies like that one-third of the seats are reserved.

SHRI JASPAT ROY KAPOOR: That could be by amendment of the Constitution, not otherwise.

SHRI KISHEN CHAND: Yes, Sir. When the hon. Minister could bring forward this Legislative Councils Bill, he could have side by side brought forward a Bill for amending the Constitution also. That is not a very difficult job.

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SHRI AKBAR ALI KHAN: Is it advisable to amend the Constitution so often and repeatedly?

SHRI KISHEN CHAND: When we were discussing the States Reorganisation Bill and the changes and alterations in the Constitution, I pointed out this in the Joint Select Committee and here also at the time of discussion of the Bill. At that very time, we should have made the changes, and I repeat that thing now. In any case, Sir, it says "as near as possible". You can certainly stretch the point and there is no bar about that. It does not say that you cannot appoint more. For members selected from the Legislative Assemblies there is a fixed limit—one-third—for municipalities and district boards there is a limit. What about the third group? The Constitution says '1/12'; it can be a little more than 1/12. Therefore there is no reason why we should retain such a high percentage of nominated members. I want the teachers and the graduates to get more representation. If the Legislative Councils are.

SHRI JASPAT ROY KAPOOR: Sir, I am sorry that I interrupted the hon. Member by saying that his suggestion could be implemented only by changing the Constitution. I am sorry to admit that I was wrong. It is open to Parliament. I have seen the relevant article.

SHRI KISHEN CHAND: So the whole thing is that we want the teachers and the graduates to get more representation.

Sir, I would like to refer to page 15—Third Schedule—of the Bill. Now there is going to be election every two years because one-third of the members will retire, and in that category I cannot understand one thing. The Andhra Council has been given 90 seats. Now one-third of 90 would be 30. But the table gives, under sub-clause (a), 31 seats and then under sub-clause (d) also it gives 31 seats. The number of seats

under sub-clauses (b) and (c) is 8 and a. If the Bill had made it 9 and 9 and 30 and 30, it would have been divisible by the figure 3, and every two years three Members could have retired from the constituency of graduates and three persons could have retired from the constituency of teachers and ten people from the Assembly constituency and ten from municipal boards etc. But by making the number 31, 31, 8 and 8, all the four numbers are not divisible by three. He could have made it 30, 30, 9 and 9. I do not see any logic behind it, as to why this has been done. It only creates difficulties.

PANDIT ALGU RAI SHASTRI (Uttar Pradesh): That is wrong arithmetic.

SHRI KISHEN CHAND: Then, it does not end here. In Bihar also out of 96, the table has stated 34, 8, 8 and 34. It could have been made 33, 33, 9 and 9. I do not want to repeat it. As I said, the hon. Minister should accept amendments to this Bill or subsequently bring forward an Amending Bill by which he should first of all reduce the number of people nominated by the Governor. That number should be reduced as far as possible.

PANDIT ALGU RAI SHASTRI: It could be eliminated.

DR. R. B. GOUR: It could be eliminated altogether.

SHRI KISHEN CHAND: I won't mind it, but because the Rajya Sabha has got 12 nominated Members, it is thought that the Governor may nominate people of extraordinary eminence residing in the particular State who may not like to stand for the elections and whose presence in the Legislative Councils will help in the better conduct of these Councils. I would not mind if their number is 6. I would suggest that the number of nominated members should be reduced from 12 to 6, and wherever it is 9 it should be brought down to three.

The remaining seats should be so distributed that we have three each.

Then, much has been said about hasty legislation. I beg to submit that the Rajya Sabha has been performing a very useful purpose not only in revising Bills or considering social legislation which is introduced in the beginning in this House, but it has been concentrating on the conduct of industrial concerns in this country owned and managed by Government. Likewise, when the States are going to have industrial concerns and manage them, I would be glad if the Legislative Council in their own territories look after the management and conduct of the industrial concerns so that they bring in profit and do not run at a loss. We should not discuss it from an academic point of view but as practical men we have to see whether with the Rs. 3 lakhs that are going to be spent by the Andhra Government on its Legislative Council it will be just a legislative body stacked by the nominees of the ruling party or whether it will be an elected body serving a useful purpose and justifying its existence by saving the small amount that is spent on it ten-fold.

श्री राम सहाय (मध्य प्रदेश) : उप-सभाध्यक्ष महोदय, इस बिल की ताईद करते हुये मैं सदन के सामने यह निवेदन करना चाहता हूँ कि अगर हमने प्रजातंत्र के सिद्धान्तों को मानकर उस पर अमल किया होता तो आज सदन के अन्दर जो वादविवाद हो रहा है वह शायद न हुआ होता। हम इस बात को एक बार नहीं कई बार—रिआर्गनाइजेशन ऑफ स्टेट ऐक्ट और कांस्टीट्यूशन एमेंडमेंट ऐक्ट के मुताबिक मान चुके हैं फिर उस बात को बार बार दोहराना मुनासिब नहीं है। किसी बात को गम्भीरतापूर्वक विचार न करके और महज विरोधी दल को नीचा दिखाने की गरज से उन बातों के बारे में कहना जिनके बारे में कई मतवा कहा जा चुका है, मेरी दृष्टि में मुनासिब नहीं है।

[श्री राम सहाय]

प्रजातंत्र के सिद्धान्त के अनुसार यह बिल्कुल ठीक ही रखा गया है कि हमारे देश की विधान सभायें अगर इस बात को चाहें कि उनके यहां विधान परिषद् हों तो वहां रखी जायें। जब असेम्बलियों में प्रजा के नुमायन्दे बैठे हुये हैं जो कि चुनकर आये हैं, वे इस बात को पास करते हैं और पार्लियामेंट में यह विचार करके इस बात को स्वीकार किया जाता है, फिर इस पर यह कहना कि रूलिंग पार्टी अपने मन से यह काम कर रही है मुनासिब नहीं है। मैं तो अपने विरोधी पार्टी यानी कम्युनिस्ट पार्टी से यह कहना चाहता हूँ कि उन्हें कांग्रेस से सबक लेना चाहिये और यह समझना चाहिये कि वह डेमोक्रेसी की कितनी कदर करती है। उन्होंने इस बात को स्वयं देख लिया है कि केरल में कांग्रेस, भिन्न प्रकार की गवर्नमेंट होते हुये भी, कांग्रेस अपने सिद्धान्तों का पालन कर रही है। उसने वहां की सरकार को मान्यता दे दी है और जितनी भी सहूलियत हो सकती है वहां की सरकार को दी जा रही है। फिर मैं नहीं समझता कि इस प्रकार की बातें करने से जैसी की आज हाउस में सुनने में आई, क्या लाभ है, वह हमारे लिये और प्रजातंत्र के लिये किस प्रकार हितकर है। अगर हमें किसी चीज के बारे में क्विस्टाइन करना है तो अवश्य करें बशर्त कि वह कंसट्रक्टिव हो। महज किसी बात को बार बार रिपीट करने से किसी को लाभ नहीं पहुंचता है। मेरा तो निवेदन यह है कि हम इन बातों पर आज ही नहीं फिर भी विचार करके देखें तो हम इस प्रकार की जो गैर जरूरी बातें हैं, उनसे बच जायेंगे और साथ ही साथ हम अपनी ग़दतों को खराब नहीं करेंगे। केवल इतना ही नहीं होगा बल्कि हम सदन का बहुमूल्य वक्त भी इस तरह की गैर जरूरी बातें न कह कर बचा पायेंगे।

हमारे अपोजीशन के भाई यानी कम्युनिस्ट ग्रुप वाले इस बात की हिमायत करते

हैं कि विधान परिषद् होने से खर्च बहुत होता है। महज एक वितंडावाद सा ही है। बिला बजह उन्हीं बातों को रिपीट करके और सरकार पर दोषारोपण करके वे न केवल अपना समय नष्ट करते हैं बल्कि सदन का समय भी नष्ट करते हैं और इस तरह से वह स्वयं यहां गैर जरूरत बैठकर खर्च बढ़ाते हैं। इसलिये मेरा यह निवेदन है कि अगर हम इन बातों को अच्छी तरह से सोचें तो हम अपने प्रजातंत्र को अच्छी तरह से चलाने में कामयाब हो सकेंगे।

जैसा मैंने कहा कि इस सदन और विधान परिषद् के बारे में काफी बातें कहीं गई हैं। उसी तरह से सदस्य संख्या के बारे में कोई यह चाहता है कि संख्या बढ़ाई जाय और कोई यह चाहता है कि संख्या कम हो जाय। और इस बिल में जो संख्या निर्धारित की गई है उसको अच्छी तरह से देखने के बाद मैं इस नतीजे पर पहुंचा हूँ कि इसमें विधान परिषदों के लिये जो सदस्य संख्या निर्धारित की गई है वह निहायत माकूल है। आप देखिये कि अगर हमारी पार्टी का ध्येय फजूलखर्ची का होता तो वह विधान परिषदों में ज्यादा संख्या निर्धारित करती जब कि कांस्टीट्यूशन में इस चीज की पहिले से व्यवस्था है। प्रान्तों की विधान सभाओं से भी संख्या ज्यादा बढ़ाने के बारे में प्रस्ताव हमारे पास आये हैं। मैं आपके सामने मिसाल देकर बतलाना चाहता हूँ कि उत्तर प्रदेश में जितनी संख्या होनी चाहिये उससे हमने ३५ कम रखी है। आन्ध्र प्रदेश में १०, बिहार में १४ और बम्बई प्रदेश में भी २४ जगहें कम रखी हैं। मध्य प्रदेश में देखें तो मध्य प्रदेश में भी छः कम रखी गईं और इसी प्रकार से और भी स्टेट्स में कम रखी गई हैं। मैं यह कहता हूँ कि हम जो भी काम करते हैं वह महज एक आवेग में आकर, या महज इस शरज़ से कि हमें अपने पार्टी के लोगों की मदद

करनी है, नहीं करते हैं। मेरे मित्र इस बात को अच्छी तरह से देखें और समझें कि दरअसल इस बिल में जो हमने संख्यायें मुकर्रर की हैं वे बहुत ही सोच समझ कर मुकर्रर की हैं और हमने इस बात की एहति-यात रखी है कि कोई संख्या ग़ैर जरूरी तरीके पर बढ़ न जाय मेरा यह निवेदन है कि इन सब बातों पर हमें बहुत काफ़ी ग़ौर करना चाहिये।

अभी यह कहा गया कि नामिनेटड मेम्बर्स की संख्या कुछ कम कर दी जाय। इसके बारे में मेरा यह निवेदन है कि जो विद्वान हैं, जो किसी एक खास फन में माहिर हैं, ऐसे लोगों की आवश्यकता को ध्यान में रखते हुये उनके लिये गुंजायश होनी चाहिये। बहुत से लोग ऐसे होते हैं जो चुनाव के झगड़ों में पड़ना नहीं चाहते हैं। अगर शांतिपूर्ण तरीके से यहाँ आ कर उनको गाइडेंस, उनकी सहायता, उनकी अक़लमन्दी या उनकी बुद्धिमत्ता का फायदा मिलता है तो हमें लेना चाहिये। मैं समझता हूँ कि यह कोई ऐसी चीज नहीं है जो कि पार्टी की बेसिस पर या नोमिनेट करके बनाई गई है। मैं यह अर्ज करता हूँ कि जिन लोगों को प्रेसी-डेंट ने नामिनेट किया है उनके बारे में आप देखें कि वे किस प्रकार के लोग हैं। क्या वे किसी पार्टी विशेष से सम्बन्ध रखने वाले हैं? अगर किसी खास विद्या में प्रवीण होने के नाते वे यहाँ आये हैं, तो इस प्रकार की फ़ज़ूल बातें करने से मैं यह समझता हूँ कि सिवाय इसके कि हम हाउस का समय खराब करें और कोई दूसरी बात नहीं हो सकती।

इस बात को इस तरह भी समझने की जरूरत है कि पहले हमारे यहाँ कम प्रदेशों में विधान परिषदें थी, लेकिन जब जनमत तैयार हुआ और इस बात की आवश्यकता महसूस हुई तभी रिआर्गेनाइजेशन आफ स्टेट्स ऐक्ट में इसे रखा गया और हमारे कांस्टीट्यूशन में भी इसके मुताबिक तब्दीली

की गई। जो प्रजा के नुमाइन्दे हैं उनको प्रजातंत्र के मुताबिक इस बात का हक है कि वे प्रजा की राय का इज़हार करें और दरअसल वे प्रजा की राय का इज़हार करते हैं और जब उन्होंने यह बात सोची और समझी कि यहाँ विधान परिषदें नहीं हैं, वहाँ भी कुछ जगह होनी चाहियें, तो उसके अनुसार यह व्यवस्था की गई।

दूसरे चैम्बर से क्या फ़ायदा होता है, क्या नहीं होता है, यह बात मेरे खयाल से विवादास्पद जरूर है। लेकिन मेरा यह निश्चित मत है कि इससे अवश्य फ़ायदा होगा क्योंकि हम यह देखते हैं कि वे लोग जो कि बहुत योग्य होते हैं वे इसमें आसानी से आ सकते हैं और वे जब यहाँ या विधान परिषदों में आते हैं तो उनमें जो गुण होते हैं उनका हम भली प्रकार फ़ायदा उठा सकते हैं। इस प्रकार मेरा यह निवेदन है कि हम इसमें कोई ऐसी बात नहीं देखते हैं जिससे हमें यह मालूम हो कि हम बेकार ये हाउसेज बना रहे हैं।

दूसरी बात मुझे यह अर्ज करनी है कि अपर चैम्बर में जो काम होता है उसके हिसाब से भी आप देखें। यहीं इस हाउस में बहुत से बिल पास हुये और यहाँ से पास होने के बाद वे फिर लोक सभा में गये। इसी प्रकार वहाँ जो बिल पास हुये वे यहाँ आये और हमने उनमें बहुतों में तरमीमें कीं और उन तरमीमों को मायता दी गई। इसके अतिरिक्त हमने बहुत से रिज़ोल्यूशंस पास किये और उनको मान्यता दी गई और हमने बहुत से प्रश्न किये और उनसे भी बहुत फ़ायदा हुआ। तो मेरा यह अर्ज करना है कि जो प्रजातंत्र के सिद्धांत हैं उनको पूरा करने के लिये जब हम एक चीज बना रहे हैं तो उसका इस प्रकार विरोध करना उचित नहीं है। मैं समझता हूँ कि हमारे मित्र अगर इस ओर लक्ष्य करेंगे, जैसा कि मैंने निवेदन किया कि बार बार

[श्री राम सहाय]
 उहीं बातों को दोहराया न जाय, मेरे
 मत से एक तरह से विधान परिषदें, देश की
 खिदमत करेंगी यही मुझे निवेदन करना था ।

JANAB M. MUHAMMAD ISMAIL SAHEB (Madras): Mr. Vice-Chairman, the first speaker in this debate was of the opinion that a bicameral chamber would involve wasteful expenditure and he said several unkind things about it and in support of his contention he referred to and brought in the incidents which took place in Madras after the 1952 elections. As I happen to know somewhat intimately what happened at that the time and as the case of Madras after the 1952 election is quite relevant to the subject we are discussing here, I will not be wrong in referring myself to the incidents that happened in Madras, then. In the 1952 general elections, the Congress was of course defeated. They became a minority party in the Legislature of Madras. Mine is one of the parties that contributed to that defeat. Then what happened? Other parties tried their hand to produce a majority to form a Government. My friend's party as well as the other parties were trying hard to do it and the Congress also was trying and the Congress happened to be the largest single party in the Legislature at that time. Our friend referred in a disparaging manner to the incoming of a retired politician at the time for the rescue of the Party. Such a gentleman did come in, of course, but what exactly he did? He produced a majority and a stable Government for the State. How did he do it? He did not exercise any coercion or undue pressure upon anybody. He was able to do what the other parties failed to do. That is the position and if that was not done, the Legislative Assembly would have been dissolved according to the Constitution and a new election would have to be conducted. An election means, apart from other things, a large amount of expenditure. Our friend spoke of wasteful expenditure.

It is not only the Government that would have to spend money from out of the public exchequer but the candidates would have to spend crores of rupees. Not only that. Even every voter will have to lay himself out for some expenditure or other. So a general election in Madras at that time in that composite State would have meant an expenditure of crores of rupees all-told. All that was saved by doing away with the necessity of having a general election. This was, I may say, brought about by the provision of a Second Chamber. That retired politician who was able to do this job for democracy in Madras was made a member of

SHRI BHUPESH GUPTA: I take that democracy exists outside also. He could have functioned through manipulation

JANAB M. MUHAMMAD ISMAIL SAHEB: However, we are for a Parliamentary democracy. There may be people who may function democratically outside the Legislature and in so many other ways but we have elected to function as a Parliamentary democracy and here the Second Chamber, if anything, came to the rescue of the democracy and it saved crores of rupees of expenditure otherwise, if that retired politician who was referred to was not there and had not done what he did at that time, then it would have meant crores of rupees to the people, not only to the people but also to those who would have had to undergo again another election in the State. Therefore, if anything that Second Chamber has been able to save the people of that State at that time from that predicament.

Now certain remarks were made, disparaging remarks, about the conduct of our Parliamentary democracy. I would only want them to think dispassionately and to answer to themselves this question. Compare our Parliamentary institution with the institutions that are obtaining in the other countries of the world. Our independence is only 10 years old and

our Constitution is only 7 years old and there are democratic countries in the world whose parliamentary institutions are 500 or 600 years old, 200 years old and so on. Compare the conduct of our Parliamentary institution with the conduct of the institutions elsewhere. Will you not find and will you not feel proud to see that our institutions, though they are in an infant stage, are doing nearly as well—I don't say as well—nearly as well as many of the mature Parliamentary institutions in the other countries of the world? Therefore now we are carrying on with the building up of the Parliamentary democracy in the country. We have, in a general manner, adopted the Parliamentary institution of Great Britain. We need not feel shy or delicate about this adoption because we want to learn by the experience of the world. There may come a time when the world will learn from us many things. Therefore it is on the cards for each other to learn from their respective experiences. Here I spoke of the Parliamentary democracy of the world. Now almost all the important democracies of the world have a bicameral legislature. That is not a mere historical accident. They have nurtured such institutions with a purpose and deliberately, because such institutions are very useful. For my part, I was one of those persons who, during the time the Constitution of India was being framed, advocated that in our country every State in the Federation should have a bicameral legislature. But the Constituent Assembly finally decided that this matter should be left to the choice of each State. But my own stand, as I said, was that we should have a bicameral legislature in every State. You may say that ours is a Federal Legislature and other countries with a federal legislature do not have more than one legislature. But here, our States are different from the States of the other countries of the world. We should remember that every State is bigger than an average State in Europe and one State here in

our country is equal to the whole population of Australia put together where they have a bicameral legislature in almost every State. Therefore, it is very necessary that we should have two chambers in every State. My opinion would be that even those States which do not have a second chamber now would very soon go in for such a chamber. This opinion of mine is based on some important considerations. If for no other reason, such a bicameral legislature is essential and necessary for the functioning of democracy because it will give more time to the legislatures. Let us not consider any other reason for this. I hold that the weight of this one factor, this one cause and this one reason is sufficient, namely, that it gives more time to the elected representatives of the people for deciding about important things and this is sufficient justification for the existence of second chambers.

Past experience has been quoted and it has been said that the Upper Houses have not been able to do many things, that they have not made changes and so on and so forth. But that is not the question at all. The very fact that the Upper Chamber is there, gives a feeling to the other House that if there is any lacuna, if there is any mistake, that will be found out and rectified by the other House. This, therefore, makes the pace of legislation quicker. Otherwise they would have had to do things in a halting manner. They will have the feeling that the other House will take care if there is anything to be rectified and that kind of a feeling will come to prevail by and by. This is a very important matter to be considered and therefore, it is very essential that we should have second chambers. I am one of those who believe that ten heads are better than nine heads and in a democracy, we must by and large, accept this principle. Therefore, two Houses are better than one House. This is being justified by human experience. Our friends here are of the

[Janab M. Muhammad Ismail Saheb.]

opinion that second Chambers have not been useful in many respects. But they seem to forget the history of these Chambers even during the short Period they have been in existence. There were several things where the Houses were helping each other with regard to several points. But, as I have already stated, even supposing the second Chamber had not been responsible for effecting any changes so far, that is no argument against their existence. Their very existence makes the people feel safe in their minds about the legislations. The provision of a second Chamber is very necessary because nowadays, not only here in India but in many other countries, they are legislating at such a pace that much time is not given for very deep and dispassionate thinking. Particularly in our country, the urgency is great for making the country progress towards prosperity. Therefore, in such a time, it is very necessary to avoid mistakes, to avoid wasteful expenditure and to avoid so many things, we should have second Chambers.

It is an old saying of our friends that every law that is passed by a legislature is a restriction upon the freedom of the citizen. If that be so, when we are placing more and more restrictions upon the citizens, every method and every circumspection should be there to see that unnecessary restrictions are not placed. From the amendments proposed, I find that our friends to my right are against the provision of second Chambers. They are also against increasing the number in the second Chambers. There is another set of amendments which are for increasing the numbers of seats in these legislatures. Sir, I am on the latter side, for I really think that these legislatures must be larger than what they have been. ■ Even when the States Reorganisation Bill was being discussed, I was wondering why some of these legislative councils, for example the one in

Madras, were made so small, when there was provision, for them to go up to one-third of the number of seats in the Assembly. However, it is a good thing that they are rectifying that mistake. Therefore, I give my wholehearted support to this measure.

श्री अल्लूरी सत्यनारायण राजू (आन्ध्र प्रदेश) : उपसभापति महोदय, इस बिल पर पहले मंने बोलने की कोई जरूरत नहीं समझी थी लेकिन जब विरोधी दल के मेरे दोस्त श्री बसवपुत्रैया ने भाषण किया तो उसके बाद मुझे बोलने की जरूरत पड़ी। अगर सिद्धान्त रूप से वे डिमोक्रेसी को, प्रजातन्त्र को इंकार करते हैं तो दूसरी बात होती है। संविधान बनाने के वक्त ही लेजिस्लेटिव काउंसिल को, विधान परिषद् को रखने की चर्चा हुई थी और उसी वक्त इसका निर्णय भी हुआ था। लेकिन संविधान के अनुसार आज जब उनकी स्थापना का प्रश्न आता है—इस वक्त कुछ ऐसे प्रदेश भी हैं जहां पर आज लेजिस्लेटिव काउंसिल नहीं हैं—तो जब उनकी स्थापना की आवश्यकता होती है और जहां पर पहले सदस्यों की संख्या कम थी वहां उसको बढ़ाने का सवाल आता है तब हमारे ये मित्र विरोध में बोलते हैं।

डा० आर० बी० गौड़ : कांस्टिट्यूट एसेम्बली ने उद्योग देने का भी निर्णय किया था लेकिन उस निर्णय पर क्यों अमल नहीं कर रहे हैं ?

श्री अल्लूरी सत्यनारायण राजू :
... तो जहां पर ये काउंसिल स्थापित हो रही हैं और संख्या बढ़ाई जा रही है, उसके बारे में भी दूसरी दफा यहां पर संकलन लेना जरूरी है। आज काउंसिल का विरोध करना बिल्कुल भी मैं मुनासिब नहीं समझता हूं। इसके खिलाफ बोलने वाले मेरे जो मित्र हैं उन्होंने कहा कि ऐसा करने से पैसे का खर्च बहुत ज्यादा हो जाता

है। श्री बसवपुत्रैया ने अपन भाषण के दौरान में यह कहा कि आन्ध्र की सरकार के मुख्य मंत्री श्री संजीव रेड्डी ने अपने यहां के जिला बोर्डों के इलेक्शन के खिलाफ कहा है कि इसमें ३० लाख रुपये बेकार में खर्च हो जायेंगे और इसलिये वे जिला बोर्ड के चुनाव के खिलाफ बोलते हैं। लेकिन मेरे मित्र वहां का उदाहरण देते हुये एक ओर यह कहते हैं कि खर्च की कोई परवाह न करो लेकिन जिला बोर्ड का इलेक्शन जरूर करो और दूसरी ओर जो हम संविधान के अनुसार काउंसिलों की स्थापना करना चाहते हैं उसके विरुद्ध आवाज उठाते हैं मेरी समझ में नहीं आता है कि एक तरफ तो वह खर्च बढ़ाने की बात करते हैं और दूसरी तरफ खर्च कम करने की बात करते हैं और किस तरह से इन दोनों को मिलाते हैं ?

Dr. R. B. GOUR: So you want to abolish local self-government and have upper chambers.

श्री अल्लूरी सत्यनारायण राजू : थोड़ी शांति रखो। यह भी एक बात बिल्कुल गलत है कि आंध्र प्रदेश के मुख्य मंत्री ने कभी यह कहा था कि जिला बोर्ड के चुनाव की जरूरत नहीं है। उन्होंने यह कहा था कि अगर जिला बोर्ड के रूप में आज उसी पुराने तरीके के जिला बोर्ड रखें या दूसरे तरीके की कुछ ऐसी संस्थायें हों जिनमें खर्च कम हो लेकिन प्रजातांत्रिक हों और काम भी जिनसे अच्छा चले, तो अच्छा हो। लेकिन यहां पर यह कह देना कि उन्होंने खर्च के डर से यह कहा हो कि हम इलेक्शन कराने के लिये तैयार नहीं हैं, यह बिल्कुल गलत बात है। आपको मालूम है वही संजीवा रेड्डी, जिनके बारे में यह झूठी बात बोली गई, आन्ध्र प्रदेश के बनने के पहले यानी प्रीवियस आन्ध्र प्रदेश के समय

Dr. R. B. GOUR: I think the word "lie" is unparliamentary.

60 RSD—7.

श्री अल्लूरी सत्यनारायण राजू : मैंने कहा सत्य से दूर है। तो उस समय वहां की प्रजातांत्रिक सरकार प्रकाशम के नेतृत्व में चल रही थी और आपको मालूम है कि प्रोहिबिशन के सिद्धान्त को न मानने की वजह से, जिससे लाखों रुपयों का घाटा होता था, उनकी हार हुई थी और वहां की रूनिंग पार्टी, शासक दल, एक मिनट के लिये भी नहीं टिक सकी। उमी वक्त संजीव रेड्डी श्री प्रकाशम की इजाजत लेकर, पांच मिनट के बाद ही, गवर्नर के पास गये थे और उनसे इलेक्शन डिमान्ड किया था और कहा कि हमारी मैजॉरिटी यहां नहीं रही। अगर वे चाहते तो वे सरकार बनाये रखते और इस तरह दो साल तक शासक रहते। लेकिन मैजॉरिटी बोट में एक बोट की कमी होने पर भी वे तुरन्त गवर्नर के पास गये और इलेक्शन डिमान्ड किया। हमारे जो मित्र थे जो कि प्रोहिबिशन के खिलाफ थे, उन्होंने जानबूझकर इस तरह से बोट दिया कि जिससे सरकार हार जाय लेकिन वे वे ही लोग थे जो इलेक्शन नहीं चाहते थे। वे चुनाव से डरते थे। लेकिन हमने गवर्नर के पास जा कर कहा कि आप इलेक्शन आर्डर करें। फिर उसके बाद चुनाव में कम्प्यूनिस्टों की बहुत बड़ी हार हुई, यह सारी दुनिया जानती है।

(Interruptions)

Dr. R. B. GOUR. What you wanted was not elections but indirect rule by Governor's bureaucracy.

श्री अल्लूरी सत्यनारायण राजू : इसलिये मैं आपकी बात का जवाब देते हुये यह कहता हूँ कि यह बिल्कुल गलत है कि कांग्रेस पार्टी, शासक पार्टी शासन में बने रहने के लिये लेजिस्लेटिव काउंसिल की स्थापना की बात करती है। मैं आज भी रूनिंग पार्टी की ओर से यह कहना चाहता हूँ कि लेजिस्लेटिव काउंसिल की स्थापना हो जाने के बाद भी किसी भी सूबे की घारा

[श्री अल्लूरी सत्यनारायण राजू]

सभा में अगर हमारी हार हुई तो हम एक मिनट के लिये भी वहाँ नहीं रहेंगे। इस बात का मैं आप लोगों को विश्वास दिलाना चाहता हूँ और इसमें कोई शक आपको नहीं होना चाहिये। देखिये, एक उदाहरण मैं आपको दूँ कि जहाँ पर धारा सभा में हमारी हार होने के बाद काउंसिल की ताकत को लेकर के, काउंसिल में हमारे नामिनेटेड मॅम्बर की मॅजोरिटी रख कर, एक दिन के लिये भी कांग्रेस पार्टी ने रुल किया था . . .

SHRI BHUPESH GUPTA: That is constitutionally impossible.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Mr. Bhupesh, you are taking his time.

श्री अल्लूरी सत्यनारायण राजू : इस बात को आप मुनियेगा कि वहाँ पर लेजिस्लेटिव काउंसिल की स्थापना होने से मॅजोरिटी के आधार पर लोगों को लिया जायगा। अगर विरोधी दल की मॅजोरिटी है तो उसके मुताबिक उन लोगों को बिलकुल बाहर करना, यह कोई इलेक्शन का तरीका नहीं है क्योंकि जितनी ताकत इनकी धारा सभा में होगी उतनी ही बड़ी हुई ताकत काउंसिल में रिफ्लेक्ट होगी। जब वे काउंसिल में आते हैं तो उनको भी बात करने का मौका मिलता है, सँवा करने का मौका मिलता है। इस मौके को ये लोग क्यों छोड़ते हैं, यह मेरी समझ में नहीं आता। मूल सिद्धांत यह है कि वे यह नहीं कहते कि हमें डिमोक्रेसी से नफरत है। यह कहने का साहस उनमें नहीं है। आज देखिये, विरोधी दल के एक सदस्य ने कहा कि कुछ सूबों में लेजिस्लेटिव काउंसिल की स्थापना नहीं की जाती है जिसके लिये सरकार की निन्दा की जाती है। सरकार की निन्दा क्यों होती है, कुछ समझ में नहीं आता। कानून के मुताबिक, संविधान की धारा के अनुसार

अगर कोई प्रान्त चाहता है कि हमारे यहाँ काउंसिल होनी चाहिये तो उसको इजाजत मिल सकती है। उनको इजाजत मिल जाती है, यहाँ राज्य सभा इजाजत देती है, लोक सभा इजाजत देती है, सरकार इजाजत देती है।

(Interruptions)

आज सारे सूबों में कांग्रेस पार्टी की सरकार है। कहीं भी कांग्रेस पार्टी ऐसी हालत में नहीं है कि काउंसिल की ताकत से वहाँ शासन करना चाहती है। कहीं भी किसी कांग्रेस पार्टी की ऐसी हालत नहीं है। अगर ऐसी हालत कहीं है तो वह केरल की सरकार की है। आज डूबे, कल दूबे। उनके लिये अगर कोई चाहे कि काउंसिल की स्थापना होनी चाहिये . . .

डा० आर० बी० गौड़ : नहीं चाहिये।

श्री अल्लूरी सत्यनारायण राजू : नहीं चाहिये क्योंकि वह डूबने वाली नाव है, मैं जानता हूँ। खास कर बसवपुर्न्या ने आंध्र प्रदेश में नामिनेटेड पंचायत बोर्ड्स की जो बात कही, इससे बढ़कर सत्यता से दूर और कोई बात इस दुनिया में नहीं हो सकती। [Time bell rings] हर एक गांव में जहाँ ५०० की प.पुलेशन है वहाँ एडल्ट फ्रेन्चार्ज है और उसी के आधार पर वहाँ चुनाव हुए हैं, मोस्टर डिमोक्रेटिक इलेक्शन हुए हैं। वहाँ ग्रैजुएट्स की कान्स्टीट्यूएन्सी से और टीचर्स की कान्स्टीट्यूएन्सी से लोगों के द्वारा चुने हुए प्रतिनिधि जाते हैं। उसको अनडिमोक्रेटिक कहना बिलकुल गलत बात है। जैसा कि हमारे साथी केशवराव जी ने कहा, अगर गांव पंचायत को भी रिप्रेजेंटेशन देने की मांग कम्युनिस्ट पार्टी की ओर से आती तो मुझे बहुत खुशी होती। लेकिन वे यह नहीं चाहते।

(Interruptions)

इसके बाद मैं यह कहना चाहता हूँ कि आन्ध्र प्रदेश में दो हजार म्यूनिसिपैलिटियाँ हैं जहाँ पर अनैक्यता के कारण और काउंसिलर्स के बर्ताव के कारण उनको रद्द कर दिया गया है। गुंटूर और बैजवाड़ा की दो म्यूनिसिपैलिटियों को . . .

DR. R. B. GOUR: Sir, may I draw your attention to the fact that there is only one selection grade Municipality in the entire ex-Andhra and that is Vijayawada which has been abolished and out of ten first grade municipalities in Andhra, one, namely, Guntur, has been abolished. He mentioned about hundreds.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Shri Raju, your time is up. You have to wind up.

श्री अल्लूरी सत्यनारायण राजू : इन कारणों से मैं समझता हूँ कि यह जो बिल आपके सामने है इसका सबको समर्थन करना चाहिये और यूनेनिमसली पास करना चाहिये।

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Vice-Chairman, the task of discovering a basis which is both intelligible and differentiating, which makes the second Chamber responsive to popular opinion and yet, when necessary, independent of it, which would make the second Chamber a revising chamber and yet not a Chamber which would control the Executive or compete with the popular Chamber, which would provide scope for public service to men who cannot otherwise seek election through the normal democratic machinery of a general election, is a task of stupendous difficulty and certainly the question of second Chambers is, with all men wedded to a leftist ideology, a rather controversial one. We know, for example, that the British Labour Party, is wedded to the abolition of the House of Lords and they are not even prepared, so it would seem, to

discuss the question of reform of the House of Lords. I take all this for granted but I think, Mr. Vice-Chairman, we must sympathise with the Law Minister in his task. He has, as a matter of fact, no clean slate to write upon. Only a few months back we passed the States Reorganisation Act and we made certain amendments in our Constitution consequent upon the reorganisation of States. We reaffirmed in those enactments the principle of having second Chambers in the States. Indeed we went a little further; we contemplated that there would be second Chambers in certain States which did not have them and we increased the possible maximum strength of those second Chambers. That increase was consequential upon the increase in the size of the States and also in the population of certain States. Now, obviously, just after a few months of this decision, one could not expect the Government to go back upon it. Nevertheless, I venture to think that there is a case for a reconsideration of the question so far as second Chambers in the States are concerned and I was rather glad that Mr. Deogirikar made a very thoughtful contribution on this point. I think the question of the composition, powers and the nature of these second Chambers is deserving of consideration by a high-powered Commission or Committee. You know, Mr. Vice-Chairman, legislation in these days is of a hasty character. Drafting is not always perfect. I am not talking about the drafting here but I have got experience of drafting in our States and drafting these days is not very perfect. It does strike me that a second Chamber can be useful for purposes of revision, for purposes of ensuring that mistakes do not occur in the drafting of our statutes. When the drafting is defective, the courts have to interpret the Act in accordanc; with certain principles and then musi not be blamed if they declare the legislation as illegal or *ultra vires* It puts them in an awkward position apart from every thing else.

[Shri P. N. Sapru.]

So far as the second Chamber here is concerned, we are not discussing that question here but I would say that I know no Federation which does not have a second Chamber. In the Council of States you have the representatives of the States. We are all representatives of the States; we do not claim to represent the people of the States. The States have to be provided with representation as contradistinguished from the people of the States. Therefore there is a case for the retention of the Council of States.

So far as these Legislative Councils are concerned, I do not think that on a fair view it can be said that they have been bulwarks of reaction. I know how the Legislative Council in my State has functioned. I think on the whole it has functioned pretty well. On the question of university education I think it took a more progressive line than the Legislative Assembly. The University Bill as it was originally passed by the Legislative Assembly, underwent considerable changes in the Legislative Council and I venture to think that these changes were in a direction which would be welcomed by my friends opposite. The reason for that was that it was in the Upper House that you had some men of experience and of talent, men who had spent their lives on educational problems and they were men who could not have got in through the normal channel of a general election. They were able to get in there because either there was a teachers' constituency or there was a graduates' constituency. Therefore it is that you want some place somewhere in your complicated constitutional structure for men of that type of that stature; you want to utilise the services of those men in the interest or for the benefit of the nation.

Mr. Vice-Chairman, the question of the increase in the strength of these Legislative Councils is of a minor

character I am not wedded to any particular figure and there is no magic in the figure one-third or one-fourth. You have got to ensure that in joint sessions the will of the Lower House shall prevail and that you have provided amply by the provisions of the Constitution.

I would also like to say a word or two about the nominated members. Now, the House knows that one of the most important second Chambers in the world is a nominated second Chamber; the Canadian Senate is a purely nominated House. Many liberal Canadians regard that as an advantage because it ensures that the second Chamber shall never be a competitor with the first Chamber for power or influence. And there is one thing that I would like to say about nominated members in second Chambers. I should be sorry if we could not have in our House men of the stature—men of the eminence in the world of letters—of our famous and distinguished Hindi poet, Shri Maithilisharan Gupta, or a litterateur of the eminence of Mama Warerkar or a Professor of the eminence of Prof. Wadia or Dr. Tara Chand. I do not think that they are men who will seek election to your legislatures and yet they are men who can bring to bear on important questions an independent mind, a critical mind, and . . .

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): It is time.

SHRI P. N. SAPRU: ... and unbiassed mind.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : You have already taken eleven minutes.

SHRI AKBAR ALI KHAN; Five minutes more, Sir.

DR. R. B. GOUR: We can sit for a few minutes more.

SHRI P. N. SAPRU: I am in your ' hands, Mr. Vice-Chairman.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at thirty minutes past/five of the clock till eleven of the clock on Saturday, the 14th September 1957.