

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, lines 11 to 15 be deleted."

The motion was negatived

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill." The motion was adopted.

Clause 3 was added to the Bill.

SHRI BHUPESH GUPTA: I have a suggestion to make with regard to clause 4. Clause 4 and the others relate to the number. We will make only one speech. We will not move the amendments one by one. Speeches can be made and all these can be taken up together.

MESSAGE FROM LOK SABHA

THE INSURANCE (AMENDMENT) BILL, 1957

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rule 101 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendment made by Rajya Sabha in the Bill further to amend the Insurance Act, 1938, at its sitting held on the 11th September, 1957, was taken into consideration and agreed to by Lok Sabha at its sitting held on Friday, the 13th September, 1957:—

'Clause 1

That at page 1, line 5, for the words and figures "It shall come into force on the 1st day of September, 1957." the words and figures, "It shall be deemed to have come into force on the 1st day of September, 1957." be substituted.' "

THE LEGISLATIVE COUNCIL BILL, 1957—continued

SHRI BHUPESH GUPTA: My suggestion is that we can take up to clause 11, and then we can come to clause 12.

MR. DEPUTY CHAIRMAN: The House stand adjourned till 2.10 P.M.

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

The House reassembled after lunch at ten minutes past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI KAILASH BIHARI LALL (Bihar): Sir, with your permission I have to speak something on a point of personal explanation.

MR. DEPUTY CHAIRMAN: Not now. We are in the midst of a business. Afterwards.

We shall take up clause 4.

Clause 4 was added to the Bill.

Clause 5—Increase in the strength of the Bombay Legislative Council

SHRI BHUPESH GUPTA: I am not moving amendments. But I would make my observations with regard to all the clauses relating to the number. Therefore I would be in a position to save time. With regard to numbers if we are not moving the amendments, it is because we know the fate of the amendments and also we want to save time so that we can pass on to other business and also leave a little time for the Third Reading. The hon. Law Minister has brought forth certain very interesting things and we can take them into account. With regard to these, we gave some amendments which we are pressing here, for reducing the number. Our idea was to indicate how our mind works. We have made it clear that we are opposed to having Second Chambers. So the whole business is something superfluous to

us. We thought of giving this amendment to make the superfluity as little expensive as possible. That is the idea. Since the hon. Minister is absolutely keen on having his pound of flesh, I am not pressing this. At the same time I am resiling from the position that we have taken with regard to Second Chambers. Here in these clauses you will find provisions for nominating Members—in Andhra Assembly with regard to this they have given 12 and in all other clauses you will find provision for nominated members. It has been made out by the Government that this is necessary to place important people, talented people, men of letters, arts and science into the Second Chamber so that they can contribute to our progress. For that they want nomination. I would ask them a simple question. Why do they require it? It is open to them to chose them as the candidates of the Congress Party and get them elected. You **don't** require a special type of nomination by the President for filling up these places. You can easily send men of letters, men of science, men of art, fine art whatever it is through your own agency, namely the Congress nomination. Here on the one hand they want to keep in their hands powers to nominate some through the Party. Then advise the President to nominate others. On both the counts, they want to gain—hard bargainers as they are. This is one point.

Therefore let the impression not go that this House remains for such people to come in as we have got. some in this House and in other places but many of them could be easily accommodated by the Ruling Party itself, I do hope, as their candidate. If they vote for us, we can also offer some candidates.... *(Interruption)*. We can get them through indirect election. Here is a bit of Constitutional horse-trading, if I may say so and I think that it does not speak well of a Constitution, however eloquent you may be on that subject if you believe in this kind of horse-trading in Constitutional process or Parliamentary

democracy. This is why we are opposed to it. This institution of nomination with regard to such bodies should be eliminated absolutely. Even if you retain this, I can say that we have got 12 people here, nominated, talented people, good people, sometimes they make good speeches, sometimes they don't, nevertheless they are good people and we can easily get them

(Time bell rings.)

Another point was made. The number has been increased. Why? We said that in the Andhra Assembly they passed a resolution. I would ask the hon. Law Minister to explain whether it is not a fact that in 1953 at the Simla Session of the Punjab Assembly a resolution was tabled recommending the abolition of Upper Chamber and that resolution was supported by a large number of Congress members. I think 40 Congress members signed for the abolition of the Upper Chamber and that was placed and suddenly the House was adjourned and many of them were summoned to Delhi and then things went differently. Therefore let us not raise these things. We know many Congress members, many Congressmen today are opposed to the Second Chambers¹ as much as we are. I know that in their heart of hearts many Congress members are. I don't know, I have no X-ray otherwise I would like to see the hon. Minister's heart. Outwardly he is very loyal to the Constitution but inwardly, I don't know what kind of picture is there. Therefore I gave you one example. You have heard of the Andhra example. I need not dilate on that. This business of nomination should at least be abandoned and election should take place if you want to retain Second Chambers. As far as we are concerned, we are opposed to the retention of the whole business.

SHRI A. K. SEN: Sir, as I have already pointed out, we have tried to keep the nominated strength more or less constant except in two instances

[Shri A. K. Sen]

where the increase has been very slight in order to make the mathematical proportions feasible. Therefore while we have increased the strength of the elected caders, the nominated element has remained the same. Therefore this charge that we are trying to take advantage of the nominated element is not correct.

About the past resolution of various Assemblies to which references have been made, I find that so far as Punjab is concerned, we have resolution dated 21st March 1957 printed at page 21 of the Bill as was introduced in the Lok Sabha which recommended the increase in the strength of the Punjab Legislative Council. Reference was made to some Andhra Resolution in the past. Well there have been resolutions since then and that is printed in the Bill again. We are not really concerned so much with the past as with the present. What the Andhra of Shalivahana did when they conquered Andhra is a thing we have forgotten. What they did in 1955 we have forgotten. We have now a resolution much more recent than that.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 9 were added to the Bill.

Clause 10—Increase in the strength of the Uttar Pradesh Legislative Council.

SHRI JASPAT ROY KAPOOR: Sir, I move:

17. "That at page 11, line 21, for the figure '108' the figure '141' be substituted."

18. "That at page 11, line 24, for the figures and word '39, 9 and 9' the figures and word W, 11 and 11* be substituted."

19. "That at page 11, line 28, for the figure '39' the figure '54*' be substituted."

(The amendments also stood in the names of Shri Nawab Singh Chauhan, Pandit S. S. N. Tankha, Shri Akhtar Husain, Shri R. P. Tamta and Shri H. P. Saksena).

MR. DEPUTY CHAIRMAN: The clause and the amendments are before the House.

SHRI JASPAT ROY KAPOOR: Sir, the amendments that I have moved stand in the name of five other hon. Members of this House and though the other hon. Members representing the State of Uttar Pradesh do not appear formally on the amendment paper, almost everyone of them is in agreement with this amendment. It is to the effect that the strength of the U. P. Council should be raised to 141. Sir, I do not think that hon. Members representing other State will accuse of making any unreasonable demand because what they provided in the Constitution last year was that the strength of the Council in any State may be to the extent of one-third of the strength of the Assembly in that State. Now, our strength is 430 and one-third

Sum H. P. SAKSENA (Uttar Pradesh): It is 432.

SHRI JASPAT ROY KAPOOR: I stand corrected. One-third thereof comes to more than 141. We are not demanding even the full quota permissible but our humble demand is that it should be raised to 141. How it should be raised, of course we have suggested in our amendment relating to the Sixth Schedule and in this amendment too. Sir, there is one aspect of the question which may be seriously considered by the hon. Minister, his senior colleagues and the Government as a whole, as to what ultimately is their objective with regard to the extent of a State. Last time when we were discussing the question of reorganisation of States,

the general view of the Government appeared to be—why appeared to be? If I remember right it was almost specifically suggested—that it was a move towards the formation of bigger and yet bigger States so that ultimately we may have five States in the country in place of the five zones. Now, whether we come to that or not, the question is, would you like a State to demand a division thereof in order that more and more public men may find representation in the Council? So far as the case of the Punjab Ls concerned . . . (Time bell *rings*.) Let me at least make out logically a point.

MR. DEPUTY CHAIRMAN: Time IE very limited.

SHRI JASPAT ROY KAPOOR: I know that. If you are really anxious to have bigger States then do not place a premium on smaller States. Punjab Ls a small State and you are giving it 33 per cent. Ours is a bigger State but you want to give us only 25 per cent representation in the Council. 108 is only 25 per cent of 432. Now, if we demand that our State should be split up into two, there will be two Councils and the number of representatives from the present State of Uttar Pradesh, divided though that State will be then, would be very much more than 141 that we are demanding now. Therefore do not do anything which would lead people to demand smaller and smaller States but encourage to the extent you can, at least to such extent as it is permissible under the Constitution itself, which you amended last year, bigger States to remain as big as they are and not induce them by this sort of temptations to demand a division of their State. That is all that I have to submit. In this respect I know that we may be told that the Uttar Pradesh Assembly itself, according to its resolution, has demanded only 108 seats. No doubt it is so but let it not be forgotten that this resolution is in a very very . . . (Time bell *rings*) humble form and so far as Uttar Pra-

desh is concerned, we never put our demand much too high, but so far as the representatives of the State here is concerned, all the 32 of us, everyone of us is anxious that we should have a Council of 141 at least, if not a full 33 per cent.

SHRI A. K. SEN: Mr. Deputy Chairman, I have told already the reason why the figures have been fixed as they are. So far as Uttar Pradesh is concerned, the Assembly itself recommended that figure and the Government after consideration of all the facts and circumstances of each particular State, adopted the figures which we find now in the Bill. And we have powerful representatives from Uttar Pradesh in the Government and they can be trusted to protect the interests of Uttar Pradesh, and . . .

SHRI JASPAT ROY KAPOOR: That is exactly the delicacy of the situation.

SHRI A. K. Sen: . . . therefore I am afraid I cannot accept this amendment.

•Amendment Nos. 17 to 19 were by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

' Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12—*Amendment of Act 43 of 1950*

SHRI V. PRASAD RAO: Sir, I move:

21. "That at page 15 (i) for lines 29 to 32, the following be substituted, namely: —

*For text of amendments, *vide* cols. 5715-5716 *supra*.

[Shri V. Prasad Rao]

1. The elected Municipalities.
2. The elected District Boards.
3. The elected Cantonment Boards.
4. The elected City and Town Committees.'; and

(ii) in line 33, for the words 'Class I Panchayats' the words 'the' elected Class I panchayats' be substituted."

(The amendment also stood in the names of Shri Bhupesh Gupta, I>r. R. B. Gour, Shri Abdur Rezzak Khan Shri A. V. Kunhambu and Shri M. Basavapunnaih.)

55. "That at page 16, for lines 1 and 2, the following be substituted, namely: —

'6. Elected Class II Panchayats.' "

(The amendment also stood in the name of Shri M. Basavapunnaih.)

MR. DEPUTY CHAIRMAN: Amendment No. 54 is out of order.

SHRI V. C. KESAVA RAO: Sir, I move:

56. "That at page 16, at the end of line 2, after the word 'officers' the words 'and Presidents of other Class II Panchayats' be inserted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are before the House.

SHRI V. PRASAD RAO: Sir, if there is to be a Council for Andhra Pradesh, I think our reasonable Law Minister would agree that it should be as democratically constituted as possible. As I pointed out on an earlier occasion, the district boards in Andhra Pradesh, if they exist, they are constituted by that wonderful democratic practice of nomination. As for the panchayat boards, if I can quote from the old Panchayat Act, they are constituted by nomination of

one-third of its members. "The number of panchayat members varies from 6 to 12 which is determined by the Deputy Collector on a population basis. Of the total numbers so fixed, three members including one belonging to the Scheduled Castes or two members excluding the one belonging to the Scheduled Castes are nominated by the Deputy Collector on the basis of population, and the rest being elected on adult franchise.' Now, see how the panchayat boards are constituted in Telangana. Out of six members that are there, three are nominated members. As far as municipalities and town committees are concerned, here is the provision. "One-fourth of the members of the city municipalities and one-third of the members of the town municipalities are nominated by the Government" This is how at present the municipalities, the district boards and the panchayat boards are there in Andhra Pradesh. Does the hon. Law Minister want that representation to the Council should go from such District Boards, such Municipalities and such Panchayat Boards?

We had pointed out yesterday that this Council is going to be filled up with people supporting the ruling party and there were very loud protestations, including one from the President of the Andhra Pradesh Congress Committee who is our colleague here. Let him state whether it is a fact or not that in the Telangana part, the panchayat boards, the district boards, the municipalities, are filled up by people who are nominated by the Government. Is it not a fact that persons who have actually been defeated in the elections are again nominated and brought into these bodies through the backdoor? That being so, do you want such members to elect members to the Andhra Pradesh Legislative Council? I hope the hon. Minister will agree that the spirit of the Constitution is that members to the Council should be elected democratically by local elected bodies and not by nominated

local bodies. Anybody can see the reason in that point. If the members are not to be sent by nominated people who are under the thumb of the ruling party, if any semblance of democracy is to be kept, I think our very reasonable amendment to have elected bodies inserted should be accepted. People who profess democracy and who say that proper representation should be there, will, I hope, accept this reasonable amendment of ours.

SHRI V. C. KESAVA RAO: In this particular clause, a distinction is made between class I panchayats and class II panchayats which have been notified for the appointment of whole-time Executive Officers. There are other class II panchayats also and I want them also to be included. I do not want all the members of the class II panchayats to be given the right but only want the Presidents of class II panchayats to be given this right. By this we will be enlarging the constituency but I do not think there will be any difficulty in accepting it. If the Presidents of class II panchayats are included, we will be adding a few more voters to the list already there. I request the Minister to accept it.

SHRI A. K. SEN: Sir, I am afraid I have to oppose all the amendments. I have answered most of the arguments which have been advanced again.

MR. DEPUTY CHAIRMAN: The question is:

21. "That at page 15, (i) for lines 29 to 32, the following be substituted, namely: —

1. The elected Municipalities.
2. The elected District Boards.
3. The elected Cantonment Boards.
4. The elected City and Town Committees'; and

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(li) in line 33, for the words 'Class I Panchayats' the words 'the elected Class I Panchayats' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

55. "That at page 16, for lines 1 and 2, the following be substituted, namely: —

'6. Elected Class II Panchayats*.

The motion was negatived.

•Amendment No. 56 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

The First Schedule was added to the Bill.

The Second Schedule—Modifications in the Delimitation of Council Constituencies (Bombay) Order, 1951

SHRI T. R. DEOGIRIKAR (Bombay): Sir, I beg to move:

22. "That at page 17, lines 33 to 35, for the words 'East Khandesh, Aurangabad, Parbhani, Bhir, Osmanabad and Nanded districts' the words 'and East Khandesh districts' be substituted."

24. "That at page 17, line 37, for the words 'and Chanda' the words 'Chanda, Aurangabad, Parbhani, Bhir, Osmanabad and Nanded' be substituted."

SHRI SONUSING DHANSING PATIL: Sir, I beg to move:

♦For text of amendments, *vide col. 5719 supra*.

[Shri Sonusing Dhansing Patil.]

23. "That at page 17, line 35, for the figure '2' the figure '3' be substituted."

25. "That at page 17, line 37, for the figure '3' the figure '2' be substituted."

26. "That at page 18, line 13, for the words 'Vidharba (Teachers)' the words 'Vidarba *cum* Maratha-wada (Teachers)' be substituted."

SHRI LAVJI LAKHAMSHI (Bombay): I beg to move:

27. "That at page 18, line 20, for the words 'Zalawad and Amreli' the words 'Zalawad, Amreli and Kutch' be substituted."

28. "That at page 18, lines 21-22, for the words 'Sabarkantha and Kutch' the words 'and Sabarkantha' be substituted."

MR. DEPUTY CHAIRMAN: Are you accepting any of the amendments?

SHRI A. K. SEN: No, Sir. I am afraid not. These were circulated to the respective States before. They were really prepared by the Election Commission and they were circulated. We did accept some suggestions in the Lok Sabha, but it is now too late for me to accept any more. I cannot ascertain the view of the Election Commission on these matters because it is really the division of the representation amongst the various areas and this has been delimited by the Election Commission. We have nothing to do with it.

SHRI T. R. DEOGIRIKAR: I must speak something about this; Sir. Obviously it is a mistake. It is a clerical mistake.

MR. DEPUTY CHAIRMAN: He is not prepared to accept any of your amendments.

SHRI T. R. DEOGIRIKAR: He may not but I have to express why it should be accepted. He may ulti-

mately say that he is not willing to agree. Either it is a clerical mistake in which case . . .

SHRI BHUPESH GUPTA: Let us note it that you are making alterations in the procedure.

MR. DEPUTY CHAIRMAN: He has already replied.

SHRI BHUPESH GUPTA: At your discretion you can allow him to go on. I beg of you to do it.

MR. DEPUTY CHAIRMAN: He will not speak. Mr. Deogirikar, he has } told you that these proposals came I from the Election Commission and j that they have accepted them. He is ! not accepting any of your amendments. He has replied also. I am not allowing any more speeches.

SHRI T. R. DEOGIRIKAR: I make a simple request that the matter should be referred to the Election Commission and the mistake, if any, should be corrected.

SHRI SONUSING DHANSING PATIL: In view of the explanation given by the hon. Minister, I would like to withdraw my amendments.

SHRI LAVJI LAKHAMSHI: I also would like to withdraw them, Sir.

SHRI T. R. DEOGIRIKAR: I would like to withdraw my amendments.

* Amendment numbers 22 to 28 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That the Second Schedule stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

The Third Schedule was added to the Bill.

*For text of amendments, *vide cols.* 5722-5723 *supra*.

The Fourth Schedule—Modifications in the Delimitation of Council Constituencies (Mysore) Order, 1951.

MR. DEPUTY CHAIRMAN: Mr. Raghavendrarao, your amendment number 29 is out of order.

SHRI RAGHAVENDRARAO: I beg to move:

30. "That at page 19, line 14, for the words 'and Bellary' the words 'Bellary, Chitaldrug and Shimoga' be substituted."

31. "That at page 19, line 15, the word 'Chitaldrug' be deleted."

32. "That at page 19, line 16, the word 'Shimoga' be deleted."

33. "That at page 19, line 17, for the figure '4' the figure '3' be substituted."

34. "That at page 19, line 22, after the word 'Bellary' the words 'Chitaldrug, Shimoga' be inserted."

35. "That at page 19, line 22, for the figure '2' the figure '3' be substituted."

36. "That at page 19, line 23, the word 'Chitaldrug' be deleted."

37. "That at page 19, line 24, the word 'Shimoga' be deleted."

38. "That at page 19, line 25, for the figure '4' the figure '3' be substituted."

39. "That at page 19, line 31, for the figure '6' the figure '7' be substituted."

40. "That at page 19, line 32, for the figure '6' the figure '7' be substituted."

MR. DEPUTY CHAIRMAN: Any reply?

SHRI A. K. SEN: I am not accepting them, Sir, but I may make one point clear. As I have said, these were really inserted on the recommendation of the Chief Election Com-

missioner. If, however, we find that there is any difficulty in future in regard to the working of any of these, then there is power with the President to amend the delimitation in consultation with the Chief Election Commissioner. I am sure, Sir, that if these defects are pointed out to us, I shall certainly refer them to the proper authority and recommend, if I am convinced myself that it needs revision, to the Chief Election Commissioner to consider the points and initiate the necessary amendments. That is why I am telling all the Members that we should adopt the schedules as they are. If there is any difficulty in future, I shall be very willing to forward them to the Chief Election Commissioner and have his views on the matter.

SHRI RAGHAVENDRARAO: I would like to withdraw all my amendments, Sir.

Amendment numbers 30 to 40 were, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That the Fourth Schedule stand part of the Bill."

The motion was adopted.

The Fourth Schedule was added to the Bill.

The Fifth, Sixth and Seventh Schedules were added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI A. K. SEN: I move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

DR. W. S. BARLINGAY (Bombay): Sir, I wanted to ask this one question which the hon. Minister will kindly clarify. On page 15 of the Bill if you kindly compare Bombay with U.P. you will find that the total number of members in both cases is the same, namely, 108 in each case while so far as the members elected under article 171(3) (a) are concerned, in the case of Bombay it is 36 and in the case of U.P. it is 39. As far as article 171(3) (d) is concerned in the case of Bombay it is 42 and in the case of U.P. it is again 39. Now I just want to ask as to how this variation came about.

(Shri Bhupesh Gupta rose to speak.)

MR. DEPUTY CHAIRMAN: We have already exceeded the time limit. Just have two or three minutes.

SHRI BHUPESH GUPTA: You ring the bell, Sir, and it will be finished.

Now, Sir, I make it very clear that we are opposed to this Bill and when it comes to the voting stage we shall record our vote against it. But let us not bring in other issues, constitution, democracy, parliamentary system, totalitarianism and all that because it is absolutely irrelevant in this context, the other things. We gave our arguments from the point of view of this Constitution. As far as I can understand the Constitution, nowhere is it said that it is an unalterable mandate of the Constitution that the Second Chambers are to be retained and that they cannot be abolished. In fact even the Constitution has envisaged a situation where such abolition might be necessary, which is why it is provided for in the procedure as to how to abolish them. Also even now in four States out of 14 we don't have Second Chambers. Therefore that argument is absolutely untenable. The hon. Law Minister who is a very eminent lawyer should do well to remember that the Indian Constitution is not one which is above criticism, which is above amendment;

in fact they have made seven amendments themselves and it is laid down in the Constitution as to how it could be amended. Once you lay down the principles of amendments and accept the necessity of amendments and provide for them, you are also throwing the door open for questioning some of the provisions of the Constitution and seek their change. They have done so for much worse causes. We want to amend it, if necessary, for improving the Constitution, for bringing it up to its Directive Principles. The hon. Law Minister, it is regrettable, forgot all about the Directive Principles. He fled with the shadow and shied away from the substance. This is what I say. He should have known that the Constitution has laid down certain Directive Principles enjoining upon the authorities for the time being to do certain things. How much of them have you done? Don't you remember the sanctity of the Constitution when you come to them? Don't you think that sometimes you discuss the Constitution from that angle also? We don't lay down a Directive Principle to advertise to the outside world only to be disrespected and disregarded when it comes to the practice of life.

MR. DEPUTY CHAIRMAN: We are not concerned with that here.

SHRI BHUPESH GUPTA: I would ask him to be a better constitutional lawyer than an eminent civil lawyer, which he is; I would like to see him in that position also rising up to the stature of a good constitutional lawyer. "Tolerance" in democracy, Sir. Am I to understand that if I do not have these Second Chambers then there will be intolerance to democracy? Then where does that democracy exist in the States of Assam and Orissa and other places where you don't have Second Chambers? You cannot run with the hare and hunt with the hound. Have one type of argument. Either you use an argument and apply it to the other places or you do not touch that argument at all. Forensic ability sometimes leads

to absurdity which affects one's own commonsense and one's own comprehension.

(Time bell rings.)

Let me finish, Sir. "Men of letters" it has been said about the local authorities. I call it a fraud, a clear fraud on the Constitution to permit people being elected by the local bodies, which are themselves nominated instead of being elected. I do not know what kind of constitutional propriety permits of such kind of abysmal fraud on the Constitution. I would ask the Law Minister to apply his very subtle mind to this problem of what can easily be described as a clearcut fraud on the constitutional principles and provisions.

Then, Sir, he has said very good things about us. Parliamentary system undoubtedly we believe in. Otherwise why should we be crying hoarse and arguing with the Law Minister when I know that he would not listen to me? But I know that we are shaping parliamentary democracy in our country today. The final word is to be said by the people and we shall make ourselves heard and spoken when we shall speak and it will be for the people to give their final verdict. He said "proportional representation", what will happen to Kerala? We are not a bunch of opportunists here that in order to maintain somehow or other a Ministry in Kerala we shall throw away that fundamental principle, namely, proportional representation. Let us not talk about Kerala.

(Time bell rings.)

ME. DEPUTY CHAIRMAN: That will do, Mr. Gupta.

SHRI BHUPESH GUPTA: One minute, Sir. Proportional representation should apply to all States. The hon. Law Minister in that case and in that House will not have such a thumping majority on which many of these people shine. In Andhra State,

for example, you will be faced with a situation which will not be very much to your palate. Almost in every State there will be the forces of democratic opposition in a much greater degree to-day to confront the Government. Therefore, Sir, let us not go into this argumentation and I would ask him not to question whether we are working under the Constitution. But never have we said nor will I say that Constitution is such a gospel truth that it does not admit of any improvement. I am not one of those who live in the past. I am one of those who live in the present and look forward to the future. The changes that are necessary shall be made so that India can prosper; Governments may prosper and others may prosper. That is a different matter. Therefore, Sir, I take that view, a dynamic approach in this matter and I would ask the Law Minister not to be conservative in this matter. A youthful person should have a youthful approach in matters such as this. That is my final parting word.

SHRI A. K. SEN: It is always a treat to hear Mr. Gupta and the vigour and enthusiasm he introduces into any subject with which he deals. I don't think, Sir, we introduced the question of parliamentary democracy or proportional representation into the matter. In fact I made it quite clear that it was irrelevant but I said that the reference to the Constitution was in such terms that one should not avoid dealing with the arguments advanced. I do not mind, Sir, suggestions regarding amendments. Who ever can object to it? It is a living Constitution which provides for its own change by a process of amendment. What I objected to was the manner in which our constitutional institutions were referred to, likening them to goats' throats, their lumps, this, that and the other, I mean, in a sort of playfulness to which any person who has respect for the Constitution must object, and I am sure Mr. Gupta when he is outside will appreciate what I am saying. I never for a moment

[Shri A. K. Sen.]

suggested that we must take the Constitution as an inflexible permanent thing. Certainly not. I have no pretensions as a civil lawyer or as a constitutional lawyer and I hope I shall always be willing to learn, and also learn from the opposite side. I am sure they perform a very useful function because I accept his claim that the democracy we are building up here owes a great deal to the opposition because, after all, democracy cannot function without opposition. That is a different point, Sir, but I shall always protest against any playful way of referring to our Constitution, the way of trifling with it, which betrays a lack of respect, lack of conviction in the nobility and the vitality of the institutions which rest on the Constitution. These institutions may change, may undergo change in spirit or even in structure, but the way to refer to a Constitution to which we have all pledged our loyalty should be quite different. That is all that I said. I object to the manner in which reference was made to the Constitution.

SHRI BHUPESH GUPTA: Amen.

DR. W. S. BARLINGAY: The hon. Minister has not answered my question regarding the figures that I referred to.

SHRI A. K. SEN: These figures were arrived at after, very mature consideration by Government. We have representatives from Bombay in the Government. We have representatives from U.P. in the Government. We had representatives from the respective Governments. It is difficult to unravel now all the factors which have gone into the making of these figures.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

(After a count). Ayes—45; Noes—7.

The motion was adopted.

THE INTER-STATE CORPORATIONS BILL, 1957

MR. DEPUTY CHAIRMAN: Next Bill.
Mr. A. K. Sen.

SHRI KAILASH BIHARI LALL (Bihar):
You said that after the business is over . . .

MR. DEPUTY CHAIRMAN: What is it?

SHRI KAILASH BIHARI LALL: It is a question of personal information, with your permission I want to say. Yesterday when Mr. Datar was speaking he said: "I was extremely surprised at the manner in which my hon. friend, Shri Kailash Bihari Lall, spoke. He spoke almost in—can I say—a primitive manner, a reactionary manner. It is surprising, Sir, that he expects representation in respect of every Committee. It is not possible, Sir, now, so far as the public are concerned." It seems he was not mentally present here in the House. Otherwise, everybody knows in this House, it was Shri Zail Singh who spoke from that side, from our party . . .

MR. DEPUTY CHAIRMAN: What is it?

SHRI KAILASH BIHARI LALL: He spoke of representation in that committee. I have not spoken a single word about representation. Whatever I spoke was about the constitution of the Delhi Development Authority and the constitution of the Advisory Council. And Shri Datar "has ascribed to me what Shri Zail Singh spoke. I find he has made it defamatory, by saying not only 'primitive' but also by casting aspersion that I want to be present in every committee and all that. I want that you should order for the expunction of it, or it should be ruled out as not relevant so far as my speech is concerned, or it should go down on the record that I have spoken, so that the truth may prevail.