

12.54 hrs.

RESOLUTION RE: ABOLITION OF LEGISLATIVE COUNCIL—contd.

MR. DEPUTY-SPEAKER: We will now take up further discussion of the following Resolution moved by Shri Ramji Lal Suman on 28th April, 1978:—

“This House is of the opinion that the Upper Houses (Legislative Councils) in the States have not served any useful purpose and in the process of legislation they are proving to be cumbersome and unduly expensive and therefore, the Constitution should be suitably amended to abolish them as soon as possible.”

Now, Mr. Shanti Bhushan may continue.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Mr. Deputy-Speaker, Sir, on the last occasion, I had said that perhaps the main purpose of bringing this Resolution, which the hon. Member who brought this Resolution had got in mind, had already been served. I think the main purpose in moving this Resolution was to highlight the question, a question which has been a controversial question from the very beginning, because even in the Constituent Assembly there was a difference of opinion as to whether in India we should have a unicameral legislature or have a bicameral legislature. This question had agitated the minds of the Members of the Constituent Assembly. Ultimately a compromise formula had been brought in and the then Law Minister Dr. Ambedkar said that it was being adopted as an experimental measure, namely, the provisions which were put in the Constitution provided that so far as the Centre was concerned, it would be bicameral; there would be Lok Sabha and the Rajya Sabha and so far as the states were concerned, it was in a sense made optional. Legislative assemblies

will have freedom, the legislative assembly could pass a resolution that the state wanted to have a legislative council and thereafter power was given to Parliament to enact the necessary legislation, similarly, if there was a council already, then also the legislative assembly could pass a resolution that they did not want to have the upper chamber and in that case it would again be competent for Parliament to enact necessary legislation, so that even today as the speeches of the hon. Members who had spoken on this resolution would show the controversy persists. There are two views. There are people who think that the upper house does not serve any useful purpose, it is only those who are directly elected by the people that serve a useful purpose. There is the other view: nobody is infallible except God and since it is not possible to elect God to either of the two Houses....

PROF. P. G. MAVALANKAR (Gandhinagar): You mean to say that only devils are elected?

SHRI SHANTI BHUSHAN: Between devil and God there are plenty of people with a little of each, to which extent—that differs from man to man. So all being human beings, they are not infallible. In spite of such distinguished members being there in the Lok Sabha or in the Rajya Sabha, in spite of the very deep thought which Members gave to subjects when they spoke in the House, in spite of the very exhaustive research which the hon. Members carried out and the benefit of their experience and wisdom which they give to the whole House through their speeches, in spite of that it may happen that something might be lost sight of, there may be some oversight. Or perhaps it may be that it is only after the Bill emerges from the lower House more attention is bestowed with the benefit of the debate that has gone on. Sometimes even though important points are made by hon. Members,

[Shri Shanti Bhushan] there being such distinguished hon. Members, they put the other view point also simultaneously on the spur of the moment because of their experience and deep insight and so on, it is possible to contemplate that a new point is brought into the debate, perhaps certain other aspects of the matter did not occur to the other hon. Members on either side and perhaps something which might have been added, which might have shed further light on the problem, which has not emerged then, come, up after realising that the Bill had already been passed by one of the two Houses and other minds get exercised that brings out something new. Perhaps there may be a realisation that perhaps there were certain aspects which had been overlooked. That is one of the main functions which the upper House performs, namely, cautioning, those matters can be taken into consideration, amendments can be introduced and the Bill in its amended form can be sent back to the lower House and so on. There is no denying the fact that the functions of the lower House are very much more important in money Bills. Government is only responsible to the lower House at the Centre as well as in the states. There is no denying the fact that the lower House represents the sovereignty of the people. Members are elected directly by the people and the government is responsible to these direct representatives of the people. When that is said, there are other aspects where the upper House can play a useful role.

In that connection I should like to mention another aspect also which is finding increasing mention in recent years when we talk of electoral reforms and so on. It is suggested, not for one reason but for different reasons, that at least partly it should be considered whether a system of proportional representation can be introduced in the electoral system. For instance, Members of the lower House are elected directly by the people. In

some of the western countries, part of the members, even in the lower House are not directly elected but elected by the list system by counting the votes which might be secured by different political parties they can have their nominees elected by a system of indirect election. One reason advanced in support of this is that there could be some knowledgeable people, the benefit of whose wisdom and advice the House and the country would like to have but yet not being in the turmoil of day-to-day politics, they find it difficult to face a direct action. They are not temperamentally suited to come into the House by direct election. So, one reason advanced in support of this is that there should be some provision by which the benefit of such people can also be secured by the House and the House might benefit by the experience and expertise of people who might not be in the humdrum of day-to-day politics and who might not have direct contact with the people as such and they might not find it possible to show their face to the electorate directly. So this is one reason.

As at present, this function is also performed by the Rajya Sabha at the Centre and the Legislative Councils in the States. Some people may perform a very important political function, they are public functionaries. Yet, temperamentally and so on they find it not possible to face the rough and tumble of direct elections.

SHRI P. VENKATASUBBIAH (Nandyal): There is no uniformity among the States even now. Some have the Upper House and some do not have it.

SHRI SHANTI BHUSHAN: That is true. In spite of thirty years experience, the view on this issue has still not crystallised. Even in the last session in May when this resolution was being discussed, several distinguished members spoke for and against the resolution. Both kinds of view have been expressed. Those who wanted to

support it said, it was a negation of democracy that there should be an upper House with people not directly elected.

I would like to highlight one point. Obviously, the Constitution provides for two Houses at the Centre. If the suggestion contained in the resolution is pushed to its logical conclusion that the upper House is an anomaly in a democracy, one will have to think of abolishing the Rajya Sabha also, which is the upper House at the Centre.

SHRI P. VENKATASUBBAIAH: Rajya Sabha is there in a different context.

SHRI SHANTI BHUSHAN: But some distinguished members did mention that the Rajya Sabha, the upper House at the Centre, more or less performs the same role as the legislative councils are supposed to perform at the State level. I say more or less because there maybe some little shades of distinction. If on principle it is stated that having an upper House anywhere amounts to some extent a negation of democracy because it is a relic of the past and it is just copying the British, the next question that would arise is, that principle would have to be applied not merely to the States but to the Centre also. Is it possible to contemplate it? Even the function of amending the Constitution has been given not to this House alone but to both the Houses. It is not even both the Houses sitting in a Joint Sitting. If a Joint Sitting was possible for a Constitutional amendment, then perhaps if the lower House was unanimous about it, it can take the view that whatever the upper House might think, we will go ahead with this Constitutional amendment. But the founding fathers of the Constitution believed in a system of checks and balances. They believed that untrammelled power should not exist anywhere. They perhaps felt that even Lok Sabha should not have untrammelled power. So, they conceived of

Rajya Sabha, particularly in the context of Constitutional amendment. The framers of the Constitution were not willing for various reasons to concede the power of amending the Constitution to the Lok Sabha alone. Not only they wanted that there should be the seal of approval by the Rajya Sabha, but there should be a majority of not less than two-thirds of the members present and voting in both Houses before a Constitutional amendment can be made. Therefore, this suggestion, namely, that there should not be bicameral legislatures and this should be achieved by a constitutional amendment because the only way of doing it would be by a constitutional amendment, presupposes that even the Rajya Sabha by 2/3rds majority would subscribe to this doctrine that so far as the Upper House is concerned, it is an anomaly, it is a negation of democracy, it is a relic of the past, it does not perform a useful role and so on, with the result that it would be completely impractical, whatever might be said for the two views so far as the merits are concerned, to concede that so far as the Central level is concerned, such a thing can happen. Now, the question is whether this can be a feasible idea that the two Houses of Parliament enact a constitutional amendment and say, while at the Central level the Upper House is absolutely necessary, it performs a very important function, so far as the States are concerned, the Upper Houses have no meaning and they must be abolished whether the States like it or not. That is why the scheme of things which had been enacted in the Constitution was to leave it to the States. If the Centre can decide for itself, there it is not the united will or the joint will of the Lower House and the Upper House which will not determine as to whether the Upper House should exist or not. It has been said that the members directly elected by the people should be competent to decide it. But that is precisely what has been said by the Constitution even in regard to States that the Members

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of the Legislative Assembly,—and I suppose they are as distinguished and as efficient as Members of the Lok Sabha—do not suffer in comparison. It cannot be said that merely because they are elected to the Legislative Assembly of their State, there is any process in their election which is inferior to the process of election of a Member of the Lok Sabha. They are also directly elected people. So if this power has been conceded by the Constitution to those who are directly elected by the people, namely, they will determine, then if those directly elected Members of the Legislative Assembly feel the necessity of an Upper House, if they feel that the Upper House is serving a useful purpose and performing an important function, why would it be proper or desirable for other directly elected Members of the Lok Sabha to say that so far as they are concerned, they cannot be trusted to performing their job or assessing the requirements of the State properly? If, therefore, the Constitution gives the function of determining as to whether a Legislative Council is necessary in the State or not to the Legislative Assembly and it is competent to pass a proper resolution one way or the other either for the creation of the Legislative Council or for the abolition of the Legislative Council and thereafter that resolution empowers the Parliament to enact the necessary law, then in such a scheme of constitutional arrangement, how can it be said to infringe any principle of democracy because the power has been vested in those who are directly elected by the people, not in those who are indirectly elected by the people? On the other hand, if such a problem was sought to be tackled by a constitutional amendment, then it would be said that the power would be exercised not by the people who are directly elected by the people because the function would be performed not merely by the Lok Sabha sitting single, but by the Lok Sabha and the

Rajya Sabha together so that the Legislative Assembly Members perhaps with some justification could say that here those who are not directly elected by the people are participating in the process to deprive the Members who are directly elected by the people of their rightful function which has been vested in them by the Constitution. So, I would submit that the main purpose in highlighting this problem—the entire country must have benefited by the discussion which has taken place in this House on this issue—has been achieved. But beyond that, if I may say so with the greatest respect to the hon. mover of this Resolution, perhaps even he did not intend that this power which the Constitution has vested in the direct representatives of the people, namely, the Members of the Legislative Assembly, should be deprived of by the voice of some directly elected people and some indirectly elected people. Of course, I do not wish to compare the so-called indirectly-elected people with the directly-elected people. Of course, even the President, the highest and the most august functionary in the country, is not directly elected by the people, in that sense. But the question is that those who are indirectly elected, command the confidence of the directly elected people. Therefore, how can we say that those who are indirectly elected, will not be the proper persons or that they have come in by any kind of back-door? It is the decision of the directly-elected people. Therefore, it must be regarded as a wise decision. Any person who gets elected to the Rajya Sabha is obviously elected by directly—people and the local bodies' constituency, graduates' constituency, teachers' constituency and so on elect members to the Legislative Council. For instance, when MLAs elect a Member of the Rajya Sabha—of course I might be a totally undistinguished, miserable illustration; but the exceptions make the rule—if one non-deserving person had happened to get elected, it does not prove that, by and large—generally—those who are elected by the Assembly

like to the Rajya Sabha must be regarded as a sort of people who are there by sufferance. Therefore, I submit that even the indirectly-elected people are the result of an act by the very wise people. Therefore, no kind of disqualification etc. can attach to them, because if anything is said in that direction, it would only reflect on the directly-elected people.

It was also said that the Upper Houses are the links between the different levels of democracy. I would like to give another reason which might justify the Upper House; because of the manner in which the Upper House is constituted and the manner in which its composition changes from time to time—i.e. every 2 years one-third of the members of the Upper House retire and fresh people are elected in their place—it is always existing.

15.23 hrs.

[SHRI DHENDRANATH BASU in the Chair].

So far as the Rajya Sabha is concerned, it has one advantage. It is ever present, unlike the Lok Sabha which has a period of eclipse—after the dissolution of one Lok Sabha and before the new Lok Sabha is elected, there is no Lok Sabha. And if the Upper House is not there, there would be periods when there will be no Parliament. At least the Rajya Sabha should be there when the Lok Sabha is not there.

I am reminded of a bill brought forward in the other House, by a private Member, during the Private Members' Business. What was suggested in that bill was that no person who is not a Member of Parliament should be a Minister even for a single day. The present provision is that such a person can be a Minister for six months. I became a Minister first and then a Member of Parliament. That is the provision so far. A Constitution (Amendment) Bill was brought by a private Member to say, "No; only a

person who is a Member of Parliament should be a Minister. A person who is not a Member of Parliament should not be a Minister even for a single day." When I stood to reply to that bill, I said: "Perhaps this distinguished Member of the Rajya Sabha might have conceived it for men like me." Because what happens when the Lok Sabha is dissolved shortly before the new elections are to take place? Obviously, members of the Council of Ministers belonging to the Lok Sabha will have to go out and cease to be Ministers or Prime Ministers; and it is only the Members of the Rajya Sabha who would be competent to be Ministers and Prime Ministers during that period, if such a provision was brought about. So, I thought that perhaps the distinguished Member who introduced the bill, wanted that at least during that period, only Members of the Rajya Sabha can become competent to become Ministers or Prime Minister. During that period also, the advantage is that the legislatures do represent the people. There is no time when the legislature is completely non-existent; and that is why the scheme of election to the Upper House has been conceived, to provide this continuity. Even if one-third of the Members might retire, two-thirds of the members would continue, so that there is continuity. That is also one of the parliamentary institutions, which is supposed to represent the will of the people. Whether directly elected or indirectly elected, it ultimately does represent the will of the people, so that it has that important function.

Apart from that, as I said, it is a link between the different Legislatures. India is a vast country and we have democracy at various levels, at the Central, State and local level; we have local self-government where we have elected representatives, either to the jilla parishad, panchayat board or municipal corporation and so on. These are different levels of democracy, and it is undesirable that there is no link at all between these different

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levels of democracy. Institutions could even be created, which could provide some kind of link, some contact, some harmony at different levels, some kind of better understanding, arrangement and so on. This system of having an Upper House, which will also participate at the higher level, but being elected by those who function, who are directly elected by the people at the lower level, namely, the State level, that provides the link between the States and the Centre, the functioning between the States and the Centre. That is why in the composition of the Legislative Councils also, it has been provided that some members are elected by the members of the local bodies. They furnish the link between the administration at the State level, or rather the legislative organ at the State level and the legislative organs at the lower level, namely, the level of the Jilla Parishad or municipal corporation etc. So that, this is another good feature, an important feature, which provides a link at different levels of democracy.

These are the various things which can be said for it. There are certain things which can be said against it. They have been said. Both the pros and cons have been put. Therefore, my function has been lightened. I am quite sure that the distinguished hon. Member, the Mover, had only this in mind, that all the aspects of the matter should be high-lighted, so that ultimately all these matters are decided by public opinion. Both discussion and dissent are very essential things in a democracy.

All these thoughts will go out, they will educate the people and ultimately public opinion will assert itself. And when public opinion asserts itself, then the Legislative Assemblies of the States which have been charged with this function of deciding whether there would be an Upper House or not, are bound to take due notice of the public opinion, because the elected people cannot afford to ignore public opinion;

otherwise, they would not be elected. The very reason for providing directly elected people is that they may not be able to afford to ignore the pressure of public opinion, enlightened public opinion; so that, a very important function has been performed by this Resolution. Now that the function has already been performed, I would appeal to the hon. Member to withdraw the Resolution.

SHRI P. VENKATASUBBAIAH (Nandyal): I want some clarification from the hon. Minister about composition of the Legislative Council. While in some States the legislature is unicameral, in some other States it is bi-cameral, which is a lacuna. Secondly, in the composition of the Legislative Council, as the Law Minister was saying, representation is given to the local bodies so that there is a link between the administration and the panchayats or jilla parishads. But in some States there are constituencies for graduates and teachers. At times it happens that a teacher, being a graduate, has two votes. He will vote for the teachers and also for the graduates. So, this anomaly exists.

Then, when you have sectional representation in the Legislative Council, why not extend it further and give sectional representation to trade and industry, even agriculture. In the Madras Legislative, under the Government of India Act, 1935, there was representation for trade and commerce. The hon. Member, Shri T. T. Krishnamachari, was elected on behalf of commerce. He represented commerce in the Madras Assembly. There are certain matters which have to be gone into by the hon. Law Minister who is himself a distinguished lawyer and advocate.

Firstly, if you can bring uniformity with regard to the functioning of the Legislative Councils in all the States, it would be good. Secondly, with regard to the composition of the Councils

when you have given proportional representation to all sections, there is the anomaly of having two votes, one for graduates and one for teachers. That should also be looked into. This is prevailing especially in the Legislative Council of Andhra Pradesh.

SHRI C. K. CHANDRAPPA (Cannore): One of the main problems that people are confronted with in regard to the Upper House is that persons who contest the elections and get defeated are often accommodated in the Upper House. It is not a very democratising practice. One who is trying to get elected directly to the Legislative Assembly or the Lok Sabha and does not succeed in that is immediately accommodated in the Upper House. There cannot be a constitutional stipulation that this should not be done, but would you agree with me that this is a bad convention and a kind of corrupt political practice? To what extent do you think, in so far as the Upper Houses which are in existence are concerned, this politically corrupt practice can be avoided or stopped?

SHRI SHANTI BHUSHAN: Two or three points have been made. It was said that there is an anomaly, or that the manner in which the composition of the Legislative Councils in the States is arranged is not quite proper, and one of the matters which has been highlighted is that the teachers' constituencies and graduates' constituencies are also there and therefore a person gets a chance of getting votes both from teachers and graduates, and therefore this is not quite consistent with the scheme of things. In fact, I would say that some representations on this score have been received from more than one State. People are highlighting this problem, so that it needs examination as to whether any change has taken place, whether it was wrongly conceived, because possibly the idea was—I am only speculating so far as the intention of the Constitution-makers is concerned—that in this country, and in every country for that matter, teachers and the educated youth are a very important segment of the society, whose influence on the future of the country is perhaps immeasurably more than that of any other section of the society.

जी एच० एच० फव्वारी (मंगलवादी) : मैं कहना चाहता हूँ कि जब अपर हाउस की उम्र छः साल है, तो फिर सरकार जनता द्वारा निर्वाचित इस सदन की उम्र पांच साल क्यों करना चाहती है? यह किसिमिनियम क्यों है? जब अपर हाउस की उम्र छः साल है, तो इस सदन की उम्र भी छः साल होनी चाहिए। (अवधान) इस में इन्दिरा जी की बात नहीं है। हमें इसके मतलब की है कि उन्होंने क्या किया और क्या नहीं किया। सी इस को जोर दिया। हमें मतलब है कि यह है। जब एसेम्बली छः साल एग्जाय कर चुकी है, जब पिछली लोक सभा छः साल तक रह चुकी है और जब अपर हाउस की उम्र छः साल है, तो इस हाउस की उम्र भी छः साल क्यों नहीं रखनी चाहिए। इसी कालेज को एक-दो नें कदम को दोबारा देना चाहिए।

SHRI K. VIJAYA BHASKARA REDDY (Kurnool): Did you make any assessment?

SHRI SHANTI BHUSHAN: Assessment has been made. I am speculating that, perhaps might have been the thing that this country has really to become great—in fact, not to become great but to regain its lost greatness because this was a country which was the greatest of all the countries, which could boast of its kinds of philosophy, its civilisation, its most developed prosperity and so on. People used to look forward to India from every point of view—its philosophy, its beliefs in non-violence, its religious philosophy and so on. People still come to India. Even in the last election when there was a so-called peaceful revolution, people in many western countries wondered, how was it that a poor

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country like India asserted so strongly for its freedoms. They feel that perhaps, it was something in the old civilisation and culture which committed so strongly to the democracy and freedom that it asserted itself in such a unique way. Such was the greatness of this country. Of course, historical events took place and we are not as great as we used to be, but we are not ashamed of it. We are looking forward to that greatness.

If the country has again to become great, then the teachers and the educated youth will have to play a very important part, so that in formulating a policy at the legislative level, the teachers' voice and the voice of the educated youth, namely, the graduate's constituency, must be felt there. How their minds are functioning, how their pulse is behaving, that should be known to those who are charged by the people of this country with formulating policies, programmes and administering the country and framing laws.

Well, something has been said that this requires review. As I have stated, from some other States also such views have been received. But evidently, these are delicate, difficult and complex matters. In fact, I am one of those who believe that whatever was done by the Constitution-makers at that time with such deliberation, with such detailed exercise, whenever we want to touch it, we have to be careful. We have to take into consideration all the aspects as deeply as they did. That is why, in a Constitution amendment, the principle of discussion, consensus and so on should not be a party affair. I have always believed in that so that these aspects should be considered and considered carefully, and if Government has any proposal, that proposal should be brought for discussion with other parties and so on and finally before the House.

SHRI P. VENKATASUBBAIAH: Will you take the opinion of the States?

SHRI SHANTI BHUSHAN: So far as these matters are concerned, there was some exercise at one time about teachers' constituency, particularly the teachers' constituency from Tamil Nadu. There were certain views. In fact, there were two kinds of views. One was that the teachers' constituencies should be abolished and another was that even the primary teachers should be assimilated in these teachers' constituencies and it should not confine to teachers of a particular level. Evidently, in a complex matter of this kind, it requires very detailed consideration.

SHRI P. VENKATASUBBAIAH: Did you hold a dialogue with the States?

SHRI SHANTI BHUSHAN: There was some dialogue with the States and they were consulted. That was quite some time back and not during the time of this Government.

Evidently, no measure can be brought forward unless there is dialogue with the States because it primarily concerns the States.

SHRI P. VENKATASUBBAIAH: Whether this Government will pick up the thread and continue the dialogue.

SHRI SHANTI BHUSHAN: Yes, it will be considered. I cannot say that the dialogue would be continued because that will depend upon the result of the exercise that we have to make first. If ultimately it is found that it will not serve any useful purpose to carry on a dialogue, then an unnecessary dialogue will not take place. It depends upon the result of the exercise to be made. If the idea is considered feasible and if it is found that there would be some benefit to be achieved by it, in that case we can have a dialogue and we can expect that perhaps we can convince the States and carry the States

with us. Then that stage might arise. It is difficult to say anything at this stage. So, it will not be possible for me either to give an assurance or to make a commitment in regard to what has happened, so far as this idea is concerned.

Similarly, as regards the other interests, the trade interests and so on, they are also to be represented. Of course, the idea of having nominated members was really for that purpose that in having nominated members, certain interests of a particular kind should be represented. It was not even possible for them to come by indirect election and so on. This principle of having a few nominated members was perhaps conceived from that point of view.

PROF. P. G. MAVALANKAR: The history of nominations is very unfortunate.

SHRI SHANTI BHUSHAN: Sometimes that happens. A provision is conceived with a certain philosophy, with a certain belief and in a certain context. But when it is actually worked by those who have to work it, it may not really be according to that. That is a different matter. It does happen. So, all the time, the effort has to be, should be and ought to be that when you exercise any power under a particular provision, you must try to understand the philosophy behind that provision why that provision was enacted, what was the philosophy behind it, what was the guiding principle behind it, what was the objective which was to be served by incorporating it and you must try to be as true to that philosophy and the background and the guiding principle as you humanly can. If anybody does not do it, it is a failure....

SHRI B. RACHAIAH (Chamarajanagar): In the Upper House, there

are the teachers' constituencies, the graduates' constituencies, the local bodies' constituencies, etc., and so many seats are reserved for these categories. In the Lower Houses, in the Assemblies and the Lok Sabha, the Scheduled Castes and Scheduled Tribes have been given a reservation. But in the Upper Houses, the same reservation has not been maintained. As a result of that, their representation is very meagre in all the State Legislative Councils and even in the Rajya Sabha also. Will the hon. Minister kindly examine this and see that an amendment is made in the Constitution so that they get a proper representation in all these bodies?

SHRI SHANTI BHUSHAN: A point was made by Shri Chandrapan that his experience was that the Upper House is really meant for defeated candidates, that is, anybody who gets defeated in an election to the Lower House is elected to the Upper House. Firstly, I would like to say that, of course, there could be an extreme view that once defeated, always defeated, that is, once you have been defeated, some kind of an untouchability has been acquired and, therefore, you have no right to be elected by any other constituency also. Even those who are elected to the Upper House, they are also elected. They do command the confidence of the people other than the members of their constituencies. We have seen in this country how so many distinguished persons defeated in a direct election have subsequently been elected with more massive majorities, sometimes, may be, immediately also. For instance, in the 1971, Lok Sabha elections, many people were defeated. But some of those who were defeated in the 1971 Lok Sabha elections were elected by very big majorities in the 1977 Lok Sabha elections. That is not the only thing.

PROF. P. G. MAVALANKAR: A person who has been defeated at the Lok Sabha poll is getting into Rajya

[Prof. R. G. Mavalankar]

Sabha or the Upper House of a State within a matter of months.

SHRI SHANTI BHUSHAN: The question is that even in a by-election, this might take place soon thereafter. Let us not discuss it from a theoretical angle. Let us be practical that when election takes place, it is not merely the personality or the deeds or the qualities of a candidate alone which count, but there are various other factors also.

SHRIMATI AHILYA P. RANGNEKAR (Bombay North-Central): If they do not come to Rajya Sabha, they become Governors.

SHRI SHANTI BHUSHAN: So, it is better that they are made Members of the Rajya Sabha. It must be recognised that the mere fact that a person has lost an election, does not mean that he cannot be elected in other places. Of course, one could say it would be possible to conceive of a provision that all right a defeat does not mean merely a defeat but also means a disqualification for a particular period; it could be 2 years, 3 years, 4 years, 5 years, whatever it was six years or ten years. If the idea is that all right immediately they should not be capable of being elected, it should not be mixed up that an election to the Upper House is not a nomination, then we are introducing a practical thing. If we are introducing a practical thing, then let us also accept that in a direct election also a person may be very popular; he may be in a position to win an election the very next day from a different constituency; may be something happened after all, the electorate is also moody.

SHRI A. BALAJANOR (Pondicherry): I appreciate Law Minister's principle and philosophy behind this which is very eloquent on the subject. But we are concerned about the application part of it.

SHRI SHANTI BHUSHAN: Therefore, the whole question is would you be right in imposing a restriction, and if there is going to be a restriction on some constituency, why not have a restriction on all the constituencies. If you say that a person who has been defeated at the poll must not be elected to the Rajya Sabha howsoever much confidence he might command of his constituency, namely, the MLAs, if 100 per cent MLAs are with him and they say: we do not agree with it... Let me put another practical proposition because even this question arose in connection with private members or somebody suggested that there should be a right of recall. Right of recall has been in the air. It is being discussed. There is a lot in it. The idea of a right of recall, again is a complex issue. Now it was said in a right of recall, if the right of recall is conceded in its entirety—I am not expressing my view; I am only saying that features which were brought out by a person when he was talking about right of recall—he said: "If right to recall is conceded as such, it would mean that elected Member of this House would become only the representative of the people of his constituency and would cease to represent the country as such. What is the true role of a Member of the Lok Sabha? Is his real role to represent only the views of the members of his constituency or is his true role correct role to do what he is supposed to do? Must he represent the national feelings? Must he represent what is right in the national context in spite of the fact that he has been elected by a particular territory or must he represent only the views of his constituency? These are the two competing thoughts.

Now, may I take a concrete example? The member of a constituency wants a particular fertiliser project to be located in his constituency. He tells the Members of the Lok Sabha, well, these are our feelings, absolutely unanimous feelings of the entire constituency. The Members of the

Lok Sabha after applying his mind comes to a conclusion that it will not be in the national interest to locate the fertiliser plant in that constituency because there is much better site in a different constituency. What would be his duty as a Member of Parliament? Would his duty be to highlight the national perspective, namely, irrespective of what the views of his constituency are. But what he considers to be right in the national perspective, must he highlight that or must he represent his constituency? Of course, this was what was said. If right of recall is applied in that way, then what would happen is for saying the right thing, for representing the right thing. What the entire country expects from him, he will have to be recalled and only that person will have to come who is prepared to say the wrong things even against his conviction. Well, there are views and views. So, these are all complex matters. We know that there had been occasions in the past where a person might have lost from a particular constituency due to the various factors which might be operating. That is why we find that a person wants a ticket from one constituency and not the other constituency. If the result was that, irrespective of the constituency, his chances of getting elected or defeated are the same, then all this trouble would not arise where he wants the constituency changed. Even minor changes in the constituency are supposed to reflect on the electoral fortunes of candidates. That is why it is said that nobody should have the power.... (Interruptions) and therefore the power has been taken away.

So, the idea is that democracy does not mean... Of course the popularity of a candidate, his character, his image, his principles and so many other qualities about him, the Party to which he belongs and so on, the pro-

gramme which that Party was projecting at that time, the principles of the party at that time, all these things reflect upon the electoral fortunes in a particular constituency and this mere fact that he has lost from a constituency—why should it prevent his election either from another constituency or from a different kind of constituency, namely a constituency which represents the whole State? A person who get elected to the Rajya Sabha from the Gujarat Legislative Assembly is supposed to command the confidence of the people of the whole State, unlike Members of the Lok Sabha. (Interruptions).

PROF. P. G. MAVALANKAR: You are only proving that you are a competent lawyer.

SHRI SHANTI BHUSHAN: This is supposed to be a reflection on me, to say that what I am saying is wrong! (Interruptions).

SHRI K. GOPAL (Karur): Whatever our differences, we have always held you in high esteem as a competent lawyer.

SHRI SHANTI BHUSHAN: That is very kind of you.

PROF. P. G. MAVALANKAR: It is an honest compliment. (Interruptions).

SHRI SHANTI BHUSHAN: Shri Patwari made a point about five years and six years. I would like to say just one or two things. He said that of course at present it is six years for both—namely, for Rajya Sabha it is six years and for Lok Sabha it is six years today. It is true. What he had in mind was the Constitutional Amendment Bill that has already been introduced in this House which seeks to restore the old term of five years for Members of the Lok Sabha. Now, one thing he was missing was

[Shri Shanti Bhushan]

that it is not merely the length of the period or tenure that is given to one, which is important. Perhaps if the tenure was only one year, if it were practicable—of course it would mean a lot of expenditure and so we cannot make it six months—a sense of importance would weigh on the Member. He goes for renewal: it is like having your representative character renewed. So, we would like to have an endorsement from the constituency as quickly as possible, consistent with practicality and so on. So, I thought that the sentiment would be otherwise. Why should we work on an antiquated delegation, an antiquated representation and so on? Many people might have forgotten; many people might have died, or people might say 'we do not remember that we elected you or that we reposed confidence in you.' So, periodically, and fairly quickly, it would be in the interest of these people to get an endorsement of their representative character by going to the people. In fact, if this period was made too long—I am quite sure that if somebody thought of making this period very long—such a provision would have been found to be in conflict with a basic feature of the Constitution, namely democracy itself. Because, democracy does not merely mean that you enjoyed the confidence of the people at some time; you must continue to command the confidence of the people, which requires that you must periodically have your confidence renewed; and five years was considered as a proper period for direct representatives of the people. For those who are poor martyrs like the indirectly elected people, perhaps this idea of representative character can be diluted to some extent—in the Bajya Sabha. They are elders; why trouble elders? The other day I was telling Shri Advani 'You are the Leader of the Elders and Morarji Bhai is the Leader of the youngsters. He is the Leader of the Upper House and Morarji Bhai is the Leader of this House, whereas the former is just

about 50 or 51 and Morarji Bhai is about 52 or 53. So, this distinction of elders and youngsters has also undergone a change! Whatever their age, they are supposed to be elders.

SHRI A. BALA PAJANOR: He is young in spirit. It is not only age; it is a question of spirit. He is very young; he is only 19 years.

SHRI SHANTI BHUSHAN: Don't talk of spirit so far as Shri Morarji Desai is concerned! It was suggested, why not we have five years' tenure in the Rajya Sabha. In that case, we would require mathematicians because one-third Members have to retire periodically; five years have to be divided by three; it would not be a round figure. Perhaps, we need not quarrel about five and six years; the difference is very little.

The last but not the least point was about giving representation to the scheduled castes and scheduled tribes. I need not repeat it; it is so well known that this matter of untouchability—what a shame it was for this country and what great service was rendered by people like Mahatma Gandhi and others when they led a crusade against this untouchability. It is a matter of great happiness—it is, of course, qualified happiness because things are not as we would like them to be—but yet things have come a very long way from what they were. Was it possible to conceive that a member of the scheduled castes, the so-called untouchables, would be considered for adorning the highest court in the land namely the Supreme Court. I have had the honour and pleasure of informing this House: some time earlier that a member of the so-called untouchable community, scheduled castes, was considered fit for adorning the highest court in the land. The Chief Justice of India made an offer and contacted him, but he did not find it possible to respond to that offer on so-

count of some personal difficulties, otherwise he would have been the first member of the scheduled caste to adorn the bench of the highest court, the Supreme Court, already. By this time, he would have been there. People have come a long way. We have so many distinguished Members from the scheduled castes in this House and what beautiful speeches they make and what important contributions they make to the deliberations of this House. It is a matter of great happiness and satisfaction that things have changed a lot from what they were earlier. Thanks to the crusade of Mahatma Gandhi and so many other leaders. But, as I said, we are not happy even with the present situation. We would like to change it to a great extent. Now about the modality. Modality is a very delicate matter. I would not like to express an opinion either way on the suggestion which has been made unless on such delicate matters full thought has been given in the proper forums etc. and pros and cons have been established. Many a time, I know from my limited experience, that a proposition which looks attractive on its face, sometimes, ultimately when it is examined in depth, is found to be counter-productive. It does not serve the purpose for which it is conceived. So, sometimes, it happens.

SHRI B. RACHAIAH: In the State Legislative councils, there is reservation for graduates and teachers, but it is not so in the case of scheduled castes. In the Rajya Sabha, there are a few Members belonging to the Scheduled Castes. Is it not a just case for amending the constitution to provide for reservation of seats to SC and ST.?

SHRI SHANTI BHUSHAN: In any case, I have not said anything against the proposal.

Many times, I have found that many suggestions have been made with a particular objective, but later on, when these suggestions are gone

into more deeply, sometimes those suggestions turn out to be counter-productive. I am not saying anything about this proposal. A proposal like this requires an examination in depth at the proper forums and in proper spirit. Of course, the ultimate objective of every exercise has to be that casteism has to be removed and abolished lock, stock and barrel from this country. We would like that after a few years we have the India of our dreams, when one would require a very big research scholar to find out as to which caste a person belongs; it would be a forgotten thing, a thing of the past, nobody would even know except by doing a lot of research as to what is the caste of a particular person. Many suggestions have been made in that direction because the idea is that so far as poverty is concerned, it is a common thing. Poverty may be more in certain castes, and less in certain castes, etc. Poverty, disease, ignorance and so on—these are things which are not completely identified with any caste. So, they have to go. But what is also to go is this feeling of casteism namely, that people will forget as to what their caste was.

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So all these measures will have to be taken. This will abolish the caste from this country lock, stock and barrel so that nobody will be able to know to what caste he belonged. Then, in that case it will be an ideal society. What are the different roads and which road is better to reach that end—these are controversial matters and matters of great deliberation and of very careful exercise, etc. So, all I can say at this stage is that I am not in a position to say anything positive or negative....

SHRI DINEN BHATTACHARYA: You have to go back to the Vedic days. From that time we are having the caste.

SHRI SHANTI BHUSHAN: Exactly. Once again I appeal to the hon. member not to press his resolution and be good enough to withdraw it because it has already served the very important purpose for which he has brought it.

श्री रामजी लाल तलत (फ़िरोजाबाद): सभापति महोदय, मैं ने मंत्री महोदय के भाषण को बड़ी संभोरता से सुना है। होता यह है कि सरकार में घाने के बाद हर व्यक्ति का दृष्टिकोण प्रतिक्रियावादी हो जाता है, और सरकार का समर्थन करना मंत्रियों और संसद सदस्यों का धर्म हो जाता है। मंत्री महोदय ने भी वही बात कही है। मैं नहीं समझता हूँ कि उन्होंने कोई नई बात कही है। इस तरफ़ के जो माननीय सदस्य या मंत्री हैं, उन में से अधिकांश की यह धारणा और मान्यता रही है कि विधान परिषदों ने हिन्दुस्तान में कोई सार्थक भूमिका प्रदा नहीं की है। ये क्रिज़लबर्गों के संस्थान हैं, उन का कोई प्रौचित्य नहीं है और इस लिए उनको समाप्त करना चाहिए।

एस प्रस्ताव को यहाँ रखने के पीछे मेरी इच्छा और भावना यह थी कि सदन का ध्यान इस बात की तरफ़ आकृष्ट किया जाये कि विधान परिषदें क्रिज़लबर्गों की केन्द्र हैं। जब मैं ने तमाम विधान परिषदों के कर्च के धाकड़े इकट्ठे किये, तो मुझे एहसास हुआ कि यद्यपि विधान परिषदों पर करोड़ों रुपये खर्च हुए हैं, लेकिन जिस मंशा से उनका निर्माण किया गया था, वे किंचित मात्र भी उस मंशा को पूरा नहीं कर पाती हैं।

हिन्दुस्तान के तमाम विचारकों ने—संविधान सभा से लेकर अब तक, और विश्व के तमाम विचारकों ने भी, इस बारे में अपनी राय दी है, और अधिकांश लोगों ने वह महसूस किया है कि तिसदवी व्यक्तता कोई उपयोगी व्यवस्था नहीं है।

इसके अतिरिक्त विधान परिषदों के बारे में कोई राष्ट्रीय स्वल्प नहीं है, देश में इस बारे में एकमतता नहीं है। इस देश में 22 सूबे हैं, लेकिन केवल 6 सूबों में विधान परिषदें काम कर रही हैं। यहाँ तक विधान परिषदों के चुनावों में बोट देने का सवाल है, यह भी समता के सिद्धान्त के बिल्कुल विपरीत है। हम कहते हैं कि हर व्यक्ति को बोट देने का अधिकार एक बार होगा। लेकिन पांच वर्ग ऐसे हैं, जिन को दोबारा बोट देने का अधिकार मिला जाता है, हालांकि 6 सूबों के भलावा धन्य सभी सूबों में उन वर्गों के लोग इस अधिकार से वंचित हैं। वे पांच वर्ग हैं लेजिस्लेटिव एसेम्बली के लोग, लोकल बाडीज़ के लोग, रिज़र्वेट्स, टीचर्स और नामिनेटिड। वे स्पेशल कैटेगरीज़, विशेष अधिकार-प्राप्त वर्ग, बन जाते हैं, जिन्हें दोबारा बोट करने का अधिकार मिला जाता है। लेकिन जैसा कि मैं ने कहा है, 6 सूबों को छोड़कर अन्य सूबों में उसी ही यत उसी स्तर के जो लोग हैं, जो उतने ही पड़े-लिखे हैं, जो उन समस्त वर्गों को पूरा करते हैं, वे भी इस अधिकार से वंचित रह जाते हैं। हिन्दुस्तान को जो राष्ट्रीयता, एकमतता होनी चाहिए, हिन्दुस्तान का जो एक स्वरूप होना चाहिए, विधान परिषदों का निर्माण उसके बिल्कुल विपरीत है। मेरी मान्यता है कि विधान परिषदों का कोई प्रौचित्य नहीं है।

मंत्री महोदय ने प्रस्ताव दिया कि यह तो विधान सभा का कार्य है। मैं मानता हूँ कि सिद्धान्त के लिहाज़ से विधान सभा अपने आप में इन्डिपेंडेंट है, उस का प्रकृत अस्तित्व है और यह इस बारे में झिंझक करने में सक्षम है। लेकिन डा० लोहिया कहा करते थे कि हिन्दुस्तान में दिल्ली की सरकार कलेक्टर है और सूबे की सरकार पटवारी है। हम देखते हैं कि प्रदेशों के मुख्य मंत्री और कितनी काम के किलनी द्वार बामुदाय से दिल्ली

जाते हैं और जाते हैं। पूर्वों की संख्याएँ दिल्ली के राष्ट्रीय नेतृत्व से संबंधित होती हैं। कलकत्ते के लिए काफ़ी है कि विधान सभाएं हीटिंगें हैं। लेकिन मन्त्री जी की चाहिए कि राष्ट्रीय विधान सभा के अन्तर्गत पार्टी द्वारा संघातित सरकारें हैं इन के मुख्य मन्त्रियों को बुला कर इस के लिए निर्देश देते। मोहम्मदी चरण सिंह जो कल तक बृह मन्त्री रहे वह अब उत्तर प्रदेश के मुख्य मन्त्री थे तो उन्होंने उत्तर प्रदेश विधान सभा से यह प्रस्ताव पास कराया कि विधान परिषद् का कोई भी अस्तित्व नहीं है, इस को समाप्त करना चाहिए। मेरा कहना कि मतलब यह है कि वह लोग जो कल तक विधान परिषदों को समाप्त करने की बकालत करते रहे वह लोग आज रूम: मत सामने रखते हैं और मानवीय मन्त्री जो अगर ऐसा कहते हैं कि विधान परिषदों ने कोई सार्वक भूमिका क्या की है और विधान परिषदों के रहने का कोई औचित्य नहीं है तो समझ में आने वाली बात नहीं है।

यह कहने को बात है कि विधान सभा का अपना पृथक अस्तित्व है और वह अपना काम अलग बनाती है लेकिन व्यवहार में यह होता है कि दिल्ली द्वारा ही सब कार्य संचालित होते हैं और राष्ट्रीय सरकार से अगर उन को इस तरह का निर्देश मिले कि विधान परिषदों का कोई मतलब नहीं है, ये फिजूलखर्ची के संस्वान हैं तो निश्चित रूप से जो काम वह करना चाहते हैं उस काम को उन से करा सकते हैं।

जहां तक उस के डिबेट का सवाल है, उस डिबेट के बारे में एक बात ध्यान से कहना चाहता हूँ। अधिकार पार्टी के फौले संसदीय पार्टी में होते हैं और विधान सभा और लोक सभा के सदस्य भी वही भाषा बोलते हैं जो संसदीय पार्टी के फौले होते हैं। विधान परिषदों में तो मात्र रिप्रेजेंटेशन होता है माइनों का। पिछले दिनों मैंने

राज्य सभा के अध्यक्ष पड़े। लोक सभा के मन्त्रियों को पकने के बाद राज्य सभा के अध्यक्ष यदि ध्यान पढ़ें तो, ध्यान को यह एहसास होगा कि लोक सभा के सदस्यों से दिल्ली बुला भाषा राज्य सभा के सदस्यों की और विधान सभा के सदस्यों से दिल्ली बुला भाषा विधान परिषद् के लोग बोल रहे हैं। कोई अलग और क्रांतिकारी बात वह लोग कहते हैं ऐसा मैं नहीं मानता हूँ। तो जो डिबेट होती है वह मात्र रिप्रेजेंटेशन होती है। उस में कोई नयी बात नहीं होती।

जहां तक नामिनेटेड लोगों की बात है उस में किस प्रकार के लोग विधान परिषद के सदस्य बनाये जाते हैं यह ध्यान जानते हैं। एक बात मैं ध्यान से कहना चाहूंगा कि जो लोग लोक सभा के सदस्य थे और जो लोग मुख्य मन्त्री बनाए गए, उनके लिए जिन लोगों को असेम्बली से रिज्वाइन कराया गया और उन की जगह जो लोग लोक सभा के सदस्य थे, मुख्य मन्त्री बनाने के लिए विधान सभा के सदस्य बनाए गए, बाद में यह एक व्यावहारिक बात होती है कि उस मेम्बर को विधान परिषद् का सदस्य बना देते हैं। मेरी यह व्यक्तिगत जानकारी है कि कुछ खंडा टेक लोग विधान परिषद के सदस्य बनाए गए। तो यह कहना कि विधान परिषद् में बहुत बड़े बुद्धिजीवी, समाजशास्त्री और साहित्यकार लोग होते हैं ऐसी कोई बात नहीं है। यह तो फ्रस्ट्रेटेड पार्लिटिमियंस का अड्डा है जहां उन लोगों को संरक्षण दिया जाता है। किसी बड़े नेता के जो हुपायास होते हैं या बड़े र्जीपति लोग होते हैं वह यहां होते हैं और शांतिभूयण जो का भी अगर कोई धिय पात्र है तो उसे विधान परिषद् या राज्य सभा का मेम्बर बनने में कोई विवकत हो सकती है, ऐसा मैं नहीं मानता हूँ। तो जो यह काम चल रहा है, करीबों रूपया बड़े लोगों के अन्य सदस्यों की सम्नुष्ट करने के लिए खर्च हो रहा है और उस के लिए जो एक फंजी संस्था खोल रखी

श्री राजनीतिक सुमेरु
है इस का कोई शोचित्य मैं नहीं समझता हूँ।
यह मैं साफ साफ कहना चाहता हूँ।

राज्य सभा के बारे में बात की गई।
श्री शक्तिमधन जी तो राजन्यास्य जी के
बकील थे। इन्दिरा गांधी जी की बसपैठ
जो राजनीति में हुई वह राज्य सभा से हुई।
इन्दिरा गांधी को कहाँ से कैसे लाया
गया यह धाप जानते हैं। वह वहाँ की बड़ी
साहित्यकार थी या क्या थी? आयर फर्ट
ईयर फेल है या हाई स्कूल फेल है, मुझे
जानकारी नहीं है। लेकिन इतनी जानकारी
जकूर है कि श्रीमती इन्दिरा गांधी का
प्राचुर्याव हिन्दुस्तान की राजनीति में राज्य
सभा के माध्यम से हुई। हिन्दुस्तान में जिस
प्रहिता ने लोकतन्त्र को समाप्त किया वह
राज्य सभा से राजनीति में आई। शांति
भूषण जी भी तमाम समय दुर्घा रहे किताबें
पढ़ने में, उन को तमाम जानकारी है। तो
तमाम फर्जी खोंग जिनका बुद्धि से कोई
तालुक नहीं रहा वहाँ राज्य सभा और
विधान परिषदों में आते हैं। अबबचान...
यह क्या गलत बात है य अबबचान...

मैं धाप से निवेदन कर रहा था कि राज्य
सभा और विधान परिषदों में जो लोग आते
हैं वह किञ्चित् मात्र भी जिन लोगों के लाने की
व्यवस्था उस में की गई है उस श्रेणी के खोंग
नहीं होते और कभी कभी जब दोनों सदन
में तीव्र मतभेद होता है तो बेवजह का
समय बरबाद होता है। कोई महत्वपूर्ण
तथ्य उस से नहीं निकलता। ऐसी मेरी
धारणा है।

मैं एक बात और निवेदन करूँगा कि
उत्तर प्रदेश में 13 साल में 288-विल विधान
परिषद को जेड़े से पास करने के लिए और
मात्र 4 बिलों पर विधान परिषद ने एतराज
किया। तो वह जो फर्जी संस्था है जिस को
कोई एतराज नहीं है, जिस का कोई शोचित्य
नहीं है, जो 13 सालों में 288 में केवल 4

बिलों पर एतराज करती है उस की क्या
जकारत है? विधान सभा के जेदनों की शक्ति
करना ही जब विधान परिषद को जेड़े है,
और जब उस का कोई शोचित्य नहीं है तो
किस लिए ऐसे लोगों को संरक्षण देने का
बहु धाप ने बना रखा है और उस को बला
रहे है? मेरे कहने का मतलब यह है
कि कुल मिलाकर विधान परिषदों का निर्माण
जिस संस्था से हुआ था उस संस्था को विधान
परिषद किञ्चित् मात्र भी पूरा नहीं करती? विधान
परिषदें धाम तीर पर कस्ट्रैटेड
पालिटीसियन्स का अड्डा हैं इसलिए इनका
कोई भी शोचित्य नहीं है। विलों की बहुमत
को, जहाँ पर जनता पार्टी का शासन है,
बाहिए कि राष्ट्रीय परामने पर तमाम
प्रदेशों के मुख्य मन्त्रियों को बुलाकर जहाँ
पर उनका बहुमत है उनको आदेश दें कि
धाप विधान परिषदों की समाप्ति का प्रस्ताव
पास करके उनको समाप्त करें। धाप देव के
22 सूबों में से 8 सूबों में विधान परिषदें
काम कर रही हैं। महारमा गांधी ने 1931
में एक सदनिय व्यवस्था की अकालत की थी।
श्री एच०बी० कामत और दूसरे तमाम लोगों
ने हिन्दुस्तान में एक सदनिय व्यवस्था की
अकालत की थी। एम०ए०सी०ए० का एक
कोटेशन तो बहुत ही महत्वपूर्ण है कि यदि
द्वितीय सदन प्रथम सदन से सहमत हो तो
धर्य है और यदि वह अपनी अरुहमति
जाहिर करे तो वह काम जनता की आकांक्षाओं
के विरुद्ध होगा। मेरी अपनी मान्यता
यह भी है कि द्वितीय सदन लोकतांत्रिक
मान्यताओं और मूल्यों के विपरीत है, किसी
भी तरह से वह जन आकांक्षाओं की प्रति नहीं
करता है। इसके लिए धगर लोकतन्त्र की
दुहाई दी जाये और कहा जाये कि वह
लोकतांत्रिक है तो मैं ऐसा नहीं समझता।

माननीय बन्नी जी से मेरी वरजवास्त है
कि जो उन्होंने मुझ से कहा है कि प्रस्ताव
लाने की जो मेरी संस्था की वह पूरी हो गई

है तो ऐसी कोई बात नहीं है। मेरी सीटिंग मैजिस्ट्री करने की नहीं है। आज हिन्दुस्तान में जो अर्थ का पैसा इस संस्था पर खर्च हो रहा है उसके कुछ भागके मेरे पास हैं। भारत प्रदेश में विधान परिषद् के सदस्यों की संख्या बेयरमैन और डिप्टी बेयरमैन को मिलाकर 1971-72 में 82 थी जोकि 72-73 में 87 रही। 1972-73 में मात्र तनजवाह का खर्चा 3,37,800 रु० था। इसके साथ साथ जो अन्य सुविधायें मिलती हैं जैसे पैडिकल कंसिलिटिड, किराया बाड़ा इत्यादि वह धलस है। इसी प्रकार से बिहार विधान परिषद् में 1975-76 में अध्यक्ष, उपाध्यक्ष के वेतन भत्ते का खर्चा 36,848 और 1976-77 में 48,000 तथा 1977-78 में 58,000 है। यह मात्र अध्यक्ष और उपाध्यक्ष का वेतन भत्ता है। इसी प्रकार सदस्यों के ऊपर 23,62,700 रुपए का खर्चा हुआ। इसी तरह से 1976-77 और 1977-78 में 23,67,200 रुपया का खर्चा है। इसी प्रकार से जम्मू कश्मीर में 1973-74 में 3,46,800 रुपए का खर्चा हुआ (अध्यक्षान) इससे मेरा मतलब यह है कि लाखों रुपया और कुल मिलाकर करोड़ों रुपया विधान परिषदों में खर्च किया जा रहा है जिसका कोई औचित्य नहीं है। ऐसी स्थिति में मेरा निवेदन है कि माननीय मन्त्री जी इस पर पुनः विचार करें और राष्ट्रीय पैमाने पर मुख्य मन्त्रियों का सम्मेलन बुलाकर उनको आदेश दें कि अधिलम्ब विधान परिषदों को समाप्त किया जाये।

MR. CHAIRMAN: Are you withdrawing the Resolution, as requested by the hon. Minister?

श्री रामजी लाल सुमन : मैं विवदा नहीं करना चाहता। अगर यह प्रस्ताव यहाँ पर पास नहीं होता है तो सारे देश में इसके लिए एक राष्ट्रीय आन्दोलन बनाने की आवश्यकता पड़ेगी। दूसरी बात यह है कि अगर मैं इसको वापिस लेता हूँ तो, उरबा मतलब होगा कि जो कुछ मैंने कहा है उसको वापिस ले रहा हूँ।

श्री शक्ति भूषण : रेबोल्यूशन वापिस लेने का मतलब यह नहीं होता कि जो ३१५८८ बाण दिया है वह भी वापिस हो गया।

MR. CHAIRMAN: Now I will put the Resolution moved by Shri Ramji Lal Suman to the vote of the House.

The question is:

"This House is of the opinion that the Upper House (Legislative Councils) in the States have not served any useful purpose and in the process of legislation they are proving to be cumbersome and avoidably expensive and, therefore, the Constitution should be suitably amended to abolish them as soon as possible."

The motion was negatived.

18.15 hrs.

RESOLUTION RE PUBLIC DISTRIBUTION SYSTEM TO CHECK RISING PRICES

SHRIMATI AHILYA P. RANGNEKAR (Bombay North-Central): Sir, I am moving my Resolution. I beg to move:

"This House expresses its grave concern at the steep rise in the prices of all essential commodities