

[Shri Narendra P. Nathwani]

Lastly, about self-sufficiency, Gandhiji explained that his concept of self-sufficiency was not very rigid; in the case of some commodities, the region may be a group of villages, a taluk, a district or even a province.

Now, I will explain about foreign imported material.

MR. DEPUTY-SPEAKER: Mr. Nathwani, I warned you even at the very outset that at 3.30 we take up non-official business. It is past 3.30 now. You can continue later. Please take your seat.

SHRI NARENDRA P. NATHWANI: Please give two or three minutes.

MR. DEPUTY-SPEAKER: There is no question of two or three minutes. I am very sorry. You can only speak the next day, but not today. 3.30 p.m. is the time for non-official business and that is the end of it. Please take your seat. That is why I told you in advance. Please continue the next day. Heavens are not going to fall.

SHRI NARENDRA P. NATHWANI: Yes, I will continue.

15.32 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS—Contd.

NINETEENTH REPORT

SHRI VINODHAI B. SHETH (Jamnagar) : Sir, I beg to move the following:

"That this House do agree with the Nineteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 10th May, 1978."

MR. DEPUTY-SPEAKER: The question is:

"That this House do agree with the Nineteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 10th May, 1978."

The motion was adopted.

15.33 hrs.

RESOLUTION RE. ABOLITION OF LEGISLATIVE COUNCILS—Contd.

MR. DEPUTY-SPEAKER : Now, we move on to further discussion of the following Resolution moved by Shri Ramji Lal Suman on the 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 avoidably expensive and, therefore, the Constitution should be suitably amended to abolish them as soon as possible."

SHRI JYOTIRMOY BOSU: Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: The point of order will arise after one hour and 36 minutes.

SHRI JYOTIRMOY BOSU: I want to give you a proper notice.

MR. DEPUTY-SPEAKER: Yes, I got the notice. Now, Mr. Ram Sewak Hazari may continue.

श्री राम सेवक हजारी (रोसड़ा) : उपाध्यक्ष महोदय, राज्यों की विधान परिषदों को समाप्त करने के बारे में जो प्रस्ताव श्री सुमन ने प्रस्तुत किया है, मैं उसका समर्थन करता हूँ। आजादी के बाद राष्ट्रपिता महात्मा गांधी के सपने, श्रीर संविधान में दिये गये अधिकारों के आधार पर हमारे यहां लोक सभा और विधान सभाओं का गठन हुआ। लेकिन संघों के समय जो राज्य सभा और विधान परिषदों का गठन हुआ था, उसी के आधार पर वे अभी भी चल रही हैं। किसी भी लोकतांत्रिक देश में लोकमत पर विश्वास किया जाता है और लोगों को मत देने का अधिकार होता है। संविधान में भी यह व्यवस्था है कि हर एक भारतीय एक ही वोट दे सकता है। तो फिर कोई विधान सभा या लोक सभा का सदस्य चुन लिया जाये और उसको उससे अधिक मत देने का अधिकार हो, यह बात हमें बेतुकी लगती है। इसलिए 1931 में भी जो गोसमैच कान्फरेंस हुई थी उसमें भी गांधी जी का यही सपना था कि यह विधान परिषद् और राज्य सभा नहीं रहेंगी। मैं यह धरूँ कि विधान परिषदों के लिए जो आशा की जाती थी, जो उम्मीदें थीं और जिस समय संविधान की रचना की गई थी उस समय भी के० टी० शाह और श्री कामत जैसे माननीय सदस्यों ने जो विरोध किया था तथा डा० अम्बेडकर ने जो भावना प्रकट की थी कि वे जो धूमिका धरा

करेंगी, प्राज तक वह भूमिका देखने को नहीं मिली है कि उनकी भावनाओं के धनुष्य उन्होंने भूमिका भवा की हो। विधान परिषद् का यह है कि ध्वर विधान सभा कुछ ऐसे नियम बना दे, कुछ ऐसे प्रस्ताव पारित कर दे जो देश के हित के लिए अच्छे नहीं हैं तो विधान परिषद् को उसका विरोध करना चाहिए और फिर अपना नया सुझाव देना चाहिए। लेकिन प्राज तक विधान परिषद् का यही हान रहा है कि विधान सभा जो भी पास कर दे ठीक उसी का धनुष्य विधान परिषद् भी करती है। इसके पीछे कारण यह है कि सत्ता जिसके हाथ में है, जो सत्ताधारी लोग चाहते हैं, जो उनकी विधा रहती है उसी विधा के धनुष्य उस दूसरे सदन के, विधान परिषद् के सदस्यों को भी चलना पड़ता है। कोई उनका अपना विचार नहीं है, कोई अपनी सुझ नहीं है। इसलिए विधान परिषद् का रहना हितकर नहीं है और लोकतांत्रिक देश में जो अधिकार आम लोगों को दिये गये हैं, उन अधिकारों को मजबूत करने के लिए, सबल करने के लिए विधान परिषद् को खत्म करना चाहिए।

उसके बाद 1963 में भी यह बात थी तो कर्नाटक में फिर विधान परिषद् का गठन क्यों किया गया और यह बराबर होता रहा है। बम्बई का जो बंटवारा हुआ प्रान्तों का तो वहाँ भी यही हुआ। मैं आपके माध्यम से सदन से यह प्राग्रह करूँगा कि विधान परिषद् को समाप्त करना चाहिए। डा० राम मनोहर लोहिया भी कहते थे कि यह पीछे का दरवाजा है, चोर दरवाजा है। पीछे से धाने का एक रास्ता है। हम लोग यह जानते हैं, इस सदन में भी बहुत सारे लोग हैं और सदन के बाहर भी ऐसे बहुत से लोग हैं जो सिद्धांतवादी हैं, जो लोकतंत्र में विश्वास करते हैं, वे विधान परिषद् में या राज्य सभा में धाने के लिए तैयार नहीं हैं। इसीलिए लोकतांत्रिक भयानाओं को रखने के लिए चाहिए कि विधान परिषद् को खत्म कर दें। आपने लोगों को, गाँव में रहने वाले गरीब धादमी को एक मत देने का अधिकार है तो जो विधान सभा का सदस्य है या जो दूसरे इन्स्टीट्यूट्स से संबन्धित हैं जिन्हें मत देने का अधिकार रहा है उनको भी एक ही मत देने का अधिकार रहना चाहिए। तभी एकस्यता होगी। तभी हम एकस्यता की बात कर सकेंगे। इसलिए हम चाहेंगे कि विधान परिषद् को समाप्त किया जाय।

उसके बाद, नीचे जैसे चौखम्मा राज्य की कल्पना की गई थी, उस तरह से जिला विकास समिति या जिला पंचायत परिषद् का गठन करना चाहते हैं तो वह कीजिये और उसको मजबूत कीजिये। जो पैसा यहाँ खर्च करते हैं, जो प्रायका समय यहाँ लगता है वह वहाँ लगाएँ, उस पैसे को प्राय जिले में दें, प्रखण्ड में दें तो वहाँ ज्यादा विकास का काम होगा और वह ज्यादा हितकर होगा। इसलिए लोकतांत्रिक देश

में जिस चौखम्मा राज्य की कल्पना की गई थी उसको मजबूत किया जाय और विधान परिषद् को समाप्त किया जाय। मैं प्राणा करता हूँ सदन के सदस्यों से कि जो पहले लोगों को भावनाएँ रही हैं, संविधान बनाने समय डा० बम्बेकर ने जो भावनाएँ व्यक्त की थीं, उनका धावर करते हुए विधान परिषद् को समाप्त किया जाय और जो चौखम्मा राज्य की कल्पना उन्होंने की थी, जिस प्राय राज की कल्पना की थी उसको मजबूत किया जाय, उस विधा में कदम उठाया जाय। इन्हीं शब्दों के साथ मैं इस प्रस्ताव का समर्थन करता हूँ।

SHRI O. V. ALAGESAN (Arkonam):
Mr. Deputy-Speaker, Sir, I am sorry to
oppose this Resolution, brought forward
by my young friend, Shri Ramji Lal
Suman.

Now one facile thing he said about the
Upper House is that all the defeated poli-
ticians often find their refuge there.
I think this is more a vilification than an
argument. Do you mean to say that all
the Upper Houses, Rajya Sabha etc. are
all stuffed, are all filled up, by defeated
candidates? There are not so many
defeated politicians there. Apart from that,
what is the sin if a politician who is de-
feated in an election goes to Rajya Sabha?
Kamath was defeated, I was defeatd.

SHRI HARI VISHNU KAMATH:
I did not go to Rajya Sabha.

SHRI O. V. ALAGESAN: I also
did not go. Kamath and myself, we
have a tradition of being defeated together
and elected together. When a man is
defeated, he is not sentenced to death by
the electorate. They give him off, tem-
porary off, that is all. So, it does not
mean that they should not be elected to
Rajya Sabha and there should be no
forum for them to go. As a matter of
fact, in the normal course, they should be
brought to the Rajya Sabha, so that
their wisdom, their experience etc. could
be utilized.

SHRI HARI VISHNU KAMATH:
Not immediately afterwards.

SHRI O. V. ALAGESAN: I would
have had no objection, if Kamath had
been put up for Rajya Sabha, after his
defeat in the elections to the Lok Sabha.

SHRI HARI VISHNU KAMATH :
I would not have accepted it.

SHRI O. V. ALAGESAN : Also, my
friend is too young. Probably, this is
the first election he has won. It will take

[Shri O.V. Alagesan]

time for him to know that people's affection is not constant. They are as much inconstant as some other people's affections. As he goes through life, he will know it. Then he will realise, it is not such a crime to seek election to an upper chamber. There is nothing wrong in that. If he looks at the composition of the Upper House, one-third of it is representation for local bodies, one-third for the Assembly, one-twelfth for graduates, one-twelfth for teachers, one-sixth by nomination for representatives of literature, science, art, social service etc. It is true that some of the nominated people may not exactly stand on all fours with the requirement of this particular clause but, by and large, people who are outstanding in those fields get elected. Recently, an artist from Madras was offered a seat in Rajya Sabha but it was refused. So, there are some people like that also. Therefore, there is no harm in sending politicians, who may be defeated once in the Assembly, to the Upper House. So, do not vilify the Upper House on that ground.

Now I come to Shri H. L. Patwary, who supported this Resolution. As I have already mentioned, one-third of the seats in the Upper House go to local bodies and one twelfth for teachers. I find that Shri Patwary is (1) the President of the Assam Primary School Teachers' Association from 1957 to 1968, for 11 years; (2) President of All India Primary Teachers' Federation from 1961 to 1972 and patron now; (3) President of the Rashtriya Gram Panchayat Karmi Sangha from 1960, and (4) President of the Assam Goa Bura Village Leaders Association, apart from President, Jilla Parishad, Mangaldoi. The teachers and the local bodies find a definite place in the scheme of the Upper House. When he represents both of them, how he brings himself to support this Resolution passes my understanding.

Then I find that Professor Dalip Chakravarty, who supported this Resolution, is a teacher by profession. And it is the teachers who are given a special place in the scheme of the Upper House. I do not know why he should also oppose it.

At the beginning of the Constitution, the states which had Upper Houses were Bihar, Bombay, Madras, Punjab, U.P., and West Bengal. Now there are Upper Houses in only seven out of 22 States, namely Andhra Pradesh, Bihar, Tamil Nadu, Maharashtra, Karnataka, U.P., and Jammu & Kashmir. Jammu & Kashmir later on, under the provisions made in the Constitution, came to have an upper house.

What is the constitutional positions? If the Assemblies of the respective States want to have an upper house, they can have it. If they do not want to have it, they can abolish it or dispense with it. And a special voting procedure has also been prescribed for it as in the case of constitutional amendments. It has been purely left to the State Assemblies. I, for one, do not see any reason why Parliament should but in and interfere with the discretion and choice of the State Assemblies. After all, they are also returned by the people, by large electorates, like Parliament. If they, in their wisdom, want to have an upper house, they should have it, we should not stand in the way. And the upper houses have not been imposed on any state. So, I think that Parliament will not do well to but into the jurisdiction of the State Assemblies and order them to do such and such things or not to do such and such things.

For instance, U.P. is such a big State. There are proposals that it should be divided. I have heard very great men from U.P. saying that U.P. would benefit only if it was divided. Somebody says it should be divided into two, somebody else says it should be divided into three. Such a big State with a population of 10 crores of people, even if it is divided into three, can have a lower house and an upper house for each one of them. So, I do not think we should interfere.

I come to my friend Shri Kamath. I was going through the speeches he made in the Constituent Assembly. He was such a vigorous Member, younger looking and also fairer looking then, and he used to make very good contributions. (*Interruptions*) I do endorse the learned Professor's remark that he wears the beauty of maturity on his face now. He quoted one French Politician-Philosopher. Called Abbe Sieyes. It seems this wise gentleman said: "If the second chamber agrees with the first, it is superfluous; and if it disagrees with the lower House, then it is pernicious". This is perhaps a quotable quote as they say, and Shri Kamath has quoted this in his speech. Hon. Shri Patwari attributed this quotation to John Stuart Mill. I do not know to whom the authorship of this famous quotable quote should go. But, in my opinion, in spite of this wise saying, it is an over-simplification.

Let us take a unicameral legislature. We just now had the khadi Bill before us. Here also there are various processes prescribed before a legislature puts its seal on any legislation: first reading, clause by clause discussion and third reading, or circulating the measure for eliciting public opinion, or referring it to a select

Committee whether in the beginning or in the intermediate state as was done five minutes ago. So, I beg to submit that the second chamber is only a logical extension of this process of considering any measure. What is the principle behind this? It is: don't do even a supposedly good thing in a hurry, because even such a supposedly good thing may have hidden aspects which may not be so good. Do not do anything in a hurry. Your own colleagues in another House take a second look at the thing that you do here. You cannot very well call it repetition, expenditure, repeating the same thing. We hear speeches in the House that there are many repetitions. So, by providing for another chamber, it does not mean that you provide for repetition. What you provide for actually is an additional democratic form for all the things that the executive wants to do to be put through and to be decided again. So, this will not weaken democracy as many people think. It will, on the other hand, strengthen democracy. They talk of sectional interest. Have they given any representation to vested interests? Do they really want any representation? We have not given representation to people who will harm the interests of the country as a whole. But it is rather strange that we think of the Upper House in the States and not about Rajya Sabha itself. What is the function of the Rajya Sabha? Its definition is that it represents the States' interest. Do we honour that sentiment? What happened yesterday? The duty on generation of electricity is a direct assault on the States' interest. And Rajya Sabha true to its definition and true to its character, behaved what it should. One hon. Member, Shri Somnath Chatterjee, said that the Rajya Sabha with its temporary majority... What does he mean by temporary majority? This House has a majority for five years. The Rajya Sabha has a majority for two years. That does not mean it is less permanent than Lok Sabha or Lok Sabha is less temporary than Rajya Sabha. All the State Legislatures have risen against this duty. So, the Rajya Sabha threw out that duty. Now, the hon. Finance Minister in his greed comes and uses his majority here to have it cancelled. That is an attack on the character, on the very basis, on the very concept of the Second Chamber. You may say that certain subjects should be reserved for them and other subjects need not go before them. On the other hand, on certain subjects when they pronounce their verdict, it should be automatically accepted by the Lower House. If that change is sought to be made, I can understand it.

It is not only the Upper House, we have got various local bodies, panchayat Unions,

Panchayat Boards, Municipalities. They go by different names in different States. These are also bastions of democracy. But elections are not being held to these local bodies for decades. Take Madras Corporation or any other corporation or municipalities. People are for getting that these are elected bodies. Either they are in the hands of the nominated people or in the hands of the officials. So, I think, it is necessary for us to make a constitutional stipulation that there should be elections to these bodies also. The elections to these bodies should be made mandatory as elections to the Parliament and the State legislatures are mandatory. They have to be held; you cannot postpone them. Similarly, elections to these bodies also should be made mandatory and should be constitutionally provided for so that the democratic functions are performed at all levels from the panchayat level to the Parliament level. It is only that that will strengthen democracy, not our trying to tamper with the Upper Houses of the seven States in which they now exist. That is not the way to strengthen democracy.

I would like to made only one more submission in the end. You may say that all these elections become very costly. But without elections, there is no democracy. Just as you have got to spend on defence forces, you have got to spend on elections. The expenditure on defence forces is a *sine qua non* but it is much more of a *sine qua non* that you spend on elections. If you want to curtail expenditure on elections, you can do one thing. Have the elections to all these bodies simultaneously as it happens in the case of State Assembly elections and Parliament. Let the people vote for the Panchayats, the local municipal bodies, the State legislatures and Parliament simultaneously.

MR. DEPUTY SPEAKER : The hon. Member may wind up his speech now. You wind up your speech before you wind up the Rajya Sabha.

SHRI O. V. ALAGESAN : I am against winding up the Upper House.

MR. DEPUTY SPEAKER : Whether you wind up the Rajya Sabha or not, whether you wind up the Legislative Councils or not, you have to wind up your speech.

SHRI O. V. ALAGESAN : You were a very distinguished Vice-Chairman of the Rajya Sabha. I am pleading your case.

MR. DEPUTY SPEAKER : We have to observe the rules also.

SHRI O. V. ALAGESAN : With this, I shall end. The elections to all these bodies should be held simultaneously and that will be one way of curtailing expenditure because I want elections to be held compulsorily for all these bodies.

SHRI AMRIT NAHATA : How can the elections be held simultaneously to all these bodies in different States ?

MR. DEPUTY SPEAKER : Don't ask any question. He will take another five minutes to answer that.

SHRI O. V. ALAGESAN : With these words, I oppose this resolution.

श्री कंचर लाल गुप्त (दिल्ली सदर) : उपाध्यक्ष जी जो सवाल इस प्रस्ताव में उठाया गया है वह बहुत ही कंट्रोवर्सियल है। यह सवाल उसी समय से बहुत कंट्रोवर्सियल रहा है जब कांस्टीट्यूट प्रसेम्बली थी। उससे पहले, भ्रष्टाचि भाषायी से पहले भी इस विषय में कांग्रेस में काफी वाद-विवाद हुआ था।

उपाध्यक्ष महोदय, मुझे मान्य है कि 1928 में कांग्रेस ने श्री मोती लाल नेहरू की अध्यक्षता में एक कमेटी बिठायी थी, इस बात पर विचार करने के लिए कि लेजिस्लेचर में दो चेम्बर होने चाहिए या एक चेम्बर होना चाहिए। उस कमेटी ने यह रिपोर्ट भी की कि जहां तक सेन्टर का सवाल है, वहां तो दो चेम्बर रहने चाहिए और जहां तक स्टेट्स का सवाल है वहां पर एक ही रहना चाहिए, वहां दो चेम्बर नहीं रहने चाहिए।

15.59 hrs.

[DR. SUBHILA NAYAR in the Chair]

सभापति महोदय, इसके प्रतिरिक्त, बहुत ता विद्वान् लोगों ने भी अपनी राय जाहिर की है। कई लोग इस पक्ष में हैं कि दो होने चाहिए और कई लोग पक्ष में हैं कि एक चेम्बर होना चाहिए। जो लोग इस पक्ष में हैं कि दो हाउस होने चाहिए वे यह कहते हैं कि अगर हम सेन्ट्रल लेजिस्लेशन में संशोधन करके राज्यों के अगर हाउस समाप्त कर देते हैं तो कस को यह सवाल भी धा सकता है कि राज्य सभा को रहना चाहिए या नहीं रहना चाहिए। जो लोग चाहते हैं कि राज्यों में दो हाउस रहने चाहिए उनका कहना यह भी है कि जो सवाल देश की राजनीति, शिक्षा नीति और धर्म नीति के सम्बन्ध में हम एक हाउस में तय करते हैं, वे सवाल एक हाउस से विचार होने के बाद दूसरे हाउस में जाएं और उन पर वहां और अच्छी तरह से विचार हो। यह उसका लक्ष्य बताता है। उसमें डीप स्टडी होनी चाहिये, पैनीटिंग इनसाइट होना चाहिये। उससे भ्रष्टाचि की जाती है कि वह सभा प्राबलैटिव भी होगी। इसलिए कहा

जाता है कि दूसरा सदन होना चाहिये। कहीं लोक सभा कोई ऐसा काम न कर वे जिससे देश को हानि हो, इसलिए दूसरे सदन की जरूरत है। जिस कंसैप्शन के आधार पर हमारा विधान बनाया गया है वह ज्यादातर ब्रिटिश पार्लियामेंट ही नकल है। वहां दो हाउस हैं, हाउस आफ कामन्स और हाउस आफ लार्ड्स। वहां पहले अगर हाउस सुप्रीम हुआ करता था, बहुत पहले हुआ करता था, धीरे-धीरे उसकी पाबन्ध कम होती गई और हाउस आफ कामन्स की ज्यादा होती गई। राज्य सभा और हाउस आफ लार्ड्स में भी फर्क है। हाउस आफ लार्ड्स के बहुत से पीयर्स, मैम्बरज बाई इनहेरिटेंस होते हैं जबकि हमारे यहां चुन कर होते हैं। इसलिए दोनों में फर्क है। लेकिन मौलिक रूप से हमने जो दूसरा चेम्बर बनाया है उसका कारण यह है कि हमने ब्रिटेन की नकल की। लेकिन इसका यह मतलब नहीं है कि दूसरा विचार रखने वाले लोग हमारे यहां नहीं हैं। दोनों तरह के विचार रखने वाले लोग हैं और काफी हैं, बहुत बड़े-बड़े लोग भी हैं। उन्होंने कहा भी है कि अगर हाउस की बिल्कुल भी जरूरत नहीं है, न सेन्टर में और न ही राज्यों में। उनमें सबसे बड़े महारामा जी हैं। मैं उनको कोट कर रहा हूं। वह कहते हैं— I am not quoting Mrs. Gandhi. I am quoting Mahatma Gandhi.

16.00 hrs.

SHRI VASANT SATHE (Akola) : Mrs. Gandhi, you will only misquote.

SHRI KANWAR LAL GUPTA : I can quote only scriptures and not devils. I am quoting him:

"Mahatma Gandhi held that a second chamber for a country like India was a costly, superfluity. 'I am,' declared Mahatmaji 'certainly not enamoured of and I do not swear by two Houses of Legislature. I have no fear of a popular Legislature running away with itself and hastily passing some laws of which afterwards it will have to repent. I would not like to give a bad name to, and then hang, the popular Legislature. I think that a popular Legislature can take care of itself and since, I am now thinking of the poorest country in the world, the less expenses we have to bear the better it is for us.' He urged that the 'method' of one-chamber legislature should be tried, and added."

उनका कहना है कि हमारा देश गरीब है। इतनी बड़ी एक्सपेंस पर लार्ड्स करोगें खर्च होता है जिसको हम बरखास्त नहीं कर सकते हैं इस बास्ते इस प्लान्ट एसीकेंट को खत्म होना

चाहिये। इस प्रकार से ये जो दो कनफ्लिक्टिंग रायें हैं वे बहुत बड़े बड़े लोगों की हैं। कुछ लोग कहते हैं कि हमारा फंडल स्ट्रक्चर है और सब राज्यों से यहाँ लोग घाते हैं और तब राज्य सभा बनती है। वे अपने अपने प्रांतों की भावनाओं को व्यक्त करते हैं। फंडल स्ट्रक्चर में इसका होना जरूरी है। गवर्नमेंट आफ इंडिया का जो 1935 का एक्ट है उसमें भी दो वेम्बरों की व्यवस्था है। इस तरह से यह एक हाइली कंट्रोलिंगियल मैटर है और रहा है। प्राजायदी मिशन के बाद कुछ राज्यों ने प्रस्ताव पास करके अपर वेम्बर रख लिया है। कुछ वेम्बरों समाप्त कर दिये हैं और कुछ राज्यों ने अभी समाप्त नहीं किये हैं। मैं यह तो नहीं चाहता कि हम यहाँ प्रस्ताव पास करके वेम्बर को समाप्त कर दें, लेकिन मंत्री जी से यह जरूर कहना चाहता हूँ कि वह इस सारी परिस्थिति के ऊपर दुबारा रीकॉन्सिडर करे और रीकॉन्सिडरेशन में राज्यों के प्रतिनिधि लें, मुख्य मंत्रियों से बातचीत करें और एक कमेटी बनायी जाये जो अच्छी तरह से रिजोल्यूटेड हो जो इस सब चीज पर विचार करे कि प्राया सैकेन्ड वेम्बर होनी चाहिये कि नहीं। अभी तक जो हमारा परफोरमिस है विधान परिषदों का और राज्य सभा का उसकी भी स्टडी होनी चाहिये। जब प्रिबी पर्स का मामला प्राया था तो राज्य सभा में शायद एक वोट से वह बिल पास होने से रह गया था। और अभी भी हमारी जनता पार्टी लोक सभा में तो बहुमत में है, लेकिन राज्य सभा में नहीं है। अभी जीईएट सेशन होने वाला है। ऐसी स्थिति पैदा हो जाती है कि कई बार सरकार कोई काम करना चाहती है, जिसको दृष्टि से जिसको ठीक समझती है, जिसको हो सकता है कि विरोध पक्ष ठीक न समझे, लेकिन वह नहीं कर पाती, क्योंकि राज्य सभा में सरकार का बहुमत नहीं है। यह सब सवाल हैं, मैंने पक्ष और विपक्ष दोनों तर्क रखे हैं, कमेटी इन सब पर अध्ययन करे जिसमें न केवल लोक सभा राज्य सभा के सदस्य हों, बल्कि विधान सभा और विधान परिषद के लोग भी हों और वह स्टडी करे कि इसका परफोरमिस रहा है सब जगह पर, और प्राया सेन्ट्रल लेजिस्लेशन या विधान में संशोधन करना जरूरी है कि नहीं, इस पर भी विचार करे। क्योंकि जो विधान सभायें हैं वह तो जब चाहें अपने अपर हाउस को खत्म कर सकती हैं, लेकिन अगर राज्य सभा को खत्म करना है तो विधान में संशोधन करना पड़ेगा, या विधान परिषद को हमें समाप्त करना है तब भी विधान में संशोधन करना पड़ेगा।

कुछ लोगों का कहना है कि अपर हाउस होने से कानून बनाने में देरी होती है और खर्चा भी ज्यादा होता है, अनेकोमेट्रिक है, प्रीबलम भीएट करता है। यह दोनों तरह के पक्ष हैं। इसलिये मैं मंत्री महाशय से मांग करूंगा कि वह लीजें, देखें, विचार करें और एक कमेटी बना

करके सदन के मामने लायें वाक्यादा एक स्टडी करने के बाद कि क्या प्रसेट्स हैं, क्या सॉयबिलिटीज हैं, क्या लाभ और नुकसान हैं, उसके बाद यह सदन निर्णय करे तो ज्यादा अच्छा रहे।

श्री एम० सत्यनारायण राव (करीमनगर) : सभापति महाशय, मैं तो समझा था कि डा० रामजी सिंह इसको लाये हैं। Then I was corrected by Mr. Alagesan that this has been moved by Shri Ramji Lal Suman and not Dr. Ramji Singh.

वह किंसा प्रस्ताव लाये हैं? मुझे माननीय कंबर लाल गुप्त का भाषण सुनने के बाद ताज़्जुब हुआ कि वह यह समझ रहे हैं कि राज्य सभा में हमेशा कांग्रेस पार्टी ही मैजोरिटी में रहेगी और जनता पार्टी माइनोरिटी में रहेगी। इस दृष्टि से शायद उन्होंने इस प्रस्ताव का समर्थन किया। यह अच्छा नहीं है। मैं मानता हूँ कि इसमें कुछ मैरिट्स भी हैं डीमैरिट्स भी हैं।

I do not say that there are no merits. There are certainly merits in what you spoke.

लेकिन टोटेलिटी में जब देखता हूँ तो इस नतीजे पर पहुंचता हूँ कि अपर हाउस रहना चाहिये, न सिर्फ सेन्टर में बल्कि स्टेट्स में भी काउन्सिल्स रहनी जरूरी हैं क्योंकि संविधान बनाने वालों में सोच समझ कर ऐसा प्रोविजन बनाया है।

एक बात माननीय गुप्ता जी से कहना चाहता हूँ कि अगर अपर हाउस नहीं है तो सोभर हाउस में जो कुछ भी गलतियाँ हो जाती हैं, जल्दी में कोई लैजिस्लेशन पास किया तो कौन देखने वाला है? कभी-कभी ऐसा होता है कि सोभर हाउस इमोशन म आकर कोई फैसला कर देता है, या कोई बिल पास कर देता है। अपर हाउस का फायदा यह है कि वह न सिर्फ शान्ति से सोच-समझ कर उस पर विचार करेगा, बल्कि इसमें टाइम भी मिल जाता है और उस टाइम में पब्लिक प्रोपीनियम भी जाहिर हो जाती है।

श्री कंबर लाल गुप्त : मैंने यह नहीं कहा है कि उसको एबालिश्न कर देना चाहिए। मैंने कहा है कि इसमें अच्छी और बुरी दोनों बातें हैं और इसलिए इस विषय को स्टडी करना चाहिए।

श्री एम० सत्यनारायण राव : स्टडी करने में कोई बुराई नहीं है। और इस बारे में स्टडी तो जबसे हिन्दुस्तान आजाद हुआ है, तब से

[श्री एम० सत्यनारायण राव]

बस रही है। अगर हाउस को रखने के विरुद्ध और डीमेरिट्स के बारे में शुरू से विचार होता रहा है। यहां पर भी इस बारे में इससे पहले भी बहस हो चुकी है। लेकिन अगर हाउस के सब डीमेरिट्स के बावजूद अगर हम पूरा व्यू में, तो हम समझते हैं कि उसको रखना लाजिमी है।

स्टेट्स में कांसिल्वज को रखने का एक कारण यह भी है कि कुछ लोग एसेम्बली में चुन कर आ सकते हैं, लेकिन चन्द लोग ऐसे भी होते हैं, जो एसेम्बली के इलेक्शन को कन्टेस्ट नहीं करना चाहते हैं, हालांकि उन में बहुत विजयम और कैरेक्टर होता है। अगर ऐसे लोगों को कांसिल में घाने का मौका नहीं दिया जाएगा, तो देश और लोग उनकी कान्ट्रीव्यूशन से मेहरूम रहेंगे। मिसाल के तौर पर प्रेज्युट्स कांस्टीट्यूएन्सी और टीचर्स कांस्टीट्यूएन्सी से कुछ लोग चुन कर कांसिल में आते हैं। ऐसे लोगों को सिर्फ कांसिल में ही घाने का मौका मिलना है, इसलिए कांसिल को रखना बहुत जरूरी है।

इस सिलसिले में कहना चाहता हूँ कि लोअर हाउस के सदस्यों के लिए हमेशा छूतरा बना रहता है। हम लोग पांच साल के लिए चुन कर आते हैं, लेकिन इनकी कोई गारंटी नहीं है कि हम पांच साल तक सदस्य बने रहेंगे, दरमियान में हाउस डिजाल्व भी हो सकता है। लेकिन जो व्यक्ति एक दफा कांसिल या राज्य सभा में आ जाता है, वह छः साल तक मजे से वहां सदस्य बना रह सकता है।

लोअर हाउस के लोग बहुत मेहनत करके, लोगों के साथ रह कर और उनके लिए बहुत काम करने के बाद इलेक्ट होकर आते हैं, जबकि कांसिल और राज्य सभा के नवाब साहबों का न तो पब्लिक से कोई सम्बन्ध है और न वे मेहनत करते हैं—वे वहां पर छः साल तक मजे में रहते हैं। मैं मंत्री महोदय से कहना चाहता हूँ कि यह डिफरेंस नहीं होना चाहिए। दोनों का द्युरेशन ईक्वल, मुमावी, होना चाहिए। जो लोग कुछ भी नहीं करते हैं, जिनका लोगों के साथ कोई सम्बन्ध नहीं है—लोगों की सेवा करने का तो सवाल ही नहीं है—उनकी द्युरेशन ज्यादा रखना मुनासिब नहीं है।

SHRI KANWAR LAL GUPTA : Are you accusing the Law Minister who is a Member of the Rajya Sabha?

SHRI M. SATYANRAYAN RAO : I am only appealing to him.

मैं तो उनसे सिर्फ यह प्रपील कर रहा हूँ कि दोनों का द्युरेशन ईक्वल होना चाहिए।

या तो उनका एक साल कम कर दिया जाये, या हमारा एक साल बढ़ा दिया जाये। (ब्यक्तत्व)

एक मामलीय सवख : इस वक्त हमारा द्युरेशन भी छः साल है।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS. (SHRI SHANTI BHUSHAN). I am prepared to exchange places with you : You can go to the Rajya Sabha.

श्री एम० सत्यनारायण राव : द्युरेशन में यह डिफरेंस ठीक नहीं मालूम होता है। इसलिए इस बारे में और करना चाहिए। न सिर्फ मिनिस्ट्रों के लिए, बल्कि दूसरे सदस्यों के लिए भी यह बिल्कुल अच्छा नहीं है।

जहां तक राज्य सभा का ताल्लुक है, उसका रहना तो लाजिमी है। राज्य सभा राज्यों को रिप्रेजेंट करती है। वे लोग स्टेट्स के इन्स्ट्रुमेंट्स को सेफगार्ड करते हैं। आप कह सकते हैं कि हम भी स्टेट्स को रिप्रेजेंट करते हैं। लेकिन हम यहां स्टेट्स को रिप्रेजेंट करने के लिए नहीं आते हैं। हम यहां देश के लोगों को रिप्रेजेंट करते हैं। एक बार जब हम लोक सभा में इलेक्ट होकर आ जाते हैं, तो हम पूरे हिन्दुस्तान को रिप्रेजेंट करते हैं, हम अपनी कांस्टीट्यूएन्सी या स्टेट को रिप्रेजेंट नहीं करते हैं। हम पूरे हिन्दुस्तान के रिप्रेजेंटेटिव कहलाते हैं। राज्य सभा वालों का बैसा नहीं होता। राज्य सभा मेंबर उस स्टेट को रिप्रेजेंट करता है जहां से वह एलेक्ट होकर आता है। तो उन लोगों के लिए इसीलिए कांस्टीट्यूशन फेम करते वक्त यह सोचा गया कि स्टेट्स को सेफगार्ड करने के लिए एक अग्रर चैम्बर रहना चाहिए और एक्सक्लूसिवली स्टेट्स के लिए रहना चाहिए। तो उसका तो रहना लाजिमी बात है।

इस संबंध में एक ही बात मैं आपसे कहना चाहता हूँ। इससे पहले भी मैं इस पर बोला। जब भी कभी यहां से बिल जाता है और राज्य सभा या अग्रर हाउस वाले जब कभी यह समझते हैं कि यह ठीक नहीं है, यह जल्दी में कुछ हुआ है या इमोशन में कुछ पास हुआ है, इसको रिकंसिडर करना चाहिए या उसको वह अग्रेटमेंट करके भेजते हैं तो इसका प्रेस्टिज का सवाल नहीं बनाना चाहिए। अगर बदकिस्मती से गुजिश्ता साल भी ऐसा ही हुआ, गुजिश्ता साल भी मायद फाइनेंस बिल ही वापस आया था तो उसमें भी ऐसा ही हुआ और इस साल भी ऐसा ही हुआ और बैंकिंग सर्विस कमीशन बिल पर परसों हम ज्वाइंट सेशन में बैठने वाले हैं। तो आप यह क्यों समझते हैं राज्य सभा से रिटर्न होने पर कि यह जनता पार्टी के खिलाफ कपिष

पार्टी वालों ने भेजा है। इस दृष्टि से नहीं देखना चाहिए। श्री कंवर लाल गुप्त जी के विभाग में शायद यही है कि राज्य सभा में कांग्रेस, कांग्रेस (भाइ) और दूसरे लोग हैं और जनता पार्टी ने मेजरिटी से यहां से भेजा है इसीलिए वह इसको प्रपोज करते हैं। ऐसा वह सोचते हैं तो यह ठीक नहीं है। वह तो बहुत बुजुर्ग और बहुत मैच्योर धादमी हैं, सीसबल धादमी हैं। यहां हाउस के अंदर तो कोई बात नहीं, हम कहते हैं कि वह जनता पार्टी के हैं, हम दूसरी पार्टी के हैं लेकिन ठण्डे दिल से सोचिए कि क्या यह ठीक है या ठीक नहीं है और राज्य सभा को रेस्पेक्ट करने के लिए भी एक मर्तबा अगर ऐसा होता है तो उस में क्या है? कोई इमैजमेंट करके अगर वह भेजते हैं तो उसको ऐक्सेप्ट कर लेने में क्या है? अगर एक प्रेस्टिज ईथ्यू के रूप में इसको ले रहे हैं, यह श्रद्धा नहीं है। इससे पहले भी मैं इस पर बोल चुका हूँ . . . (अध्यक्षान) . . .

एक माननीय सदस्य : इस प्रस्ताव में राज्य सभा का उल्लेख नहीं है।

श्री एम० सत्यनारायण राव : वह कंवर लाल गुप्त जी बोल रहे थे, उनका मैं जवाब दे रहा हूँ। इनका प्रस्ताव तो कॉमिल के लिए है। वह कॉमिल तो रहनी चाहिए। वहां टीचर्स रिप्रेजेंटेटिव्स होने चाहिए, प्रेज्यूटम के रिप्रेजेंटेटिव्स को भी उसमें लेना चाहिए और कुछ भागों भी मोचने के लिए उसे होना चाहिए।

लेकिन राज्य सभा तो बहुत जरूरी है। राज्य सभा के लिए मैं बोल रहा हूँ कि जब भी कभी वहां से वापस आता है तो उसको ठण्डे दिल से सोच करके ऐक्सेप्ट करने में पीछे नहीं रहना चाहिए। यही बात मैं कह रहा था। इससे ज्यादा मैं नहीं कहता हूँ। मैं अपने मित्र रामजी लाल मुमन से कहूंगा कि हम पर ज्यादा जोर न दें और इसको विदग्धा कर लें तो ज्यादा अच्छा रहेगा।

श्री रामजी लाल मुमन (फिरोजाबाद) : मेरा एक व्यवस्था का सवाल है। मेहरवानी करके आप समय का भी ज्वाल रखिए और माननीय मंत्री जी से भी पूछ लीजिए कि वह कितना समय लेंगे ?

श्री हुकम देव नारायण यादव (मधुबनी) : सभापति महोदय, जिस विचारधारा से हम लोग राजनीति करते रहे हैं उस विचारधारा के लोग हमेशा द्वितीय सदन के विरोधी रहे हैं। बिहार विधान सभा का जब मैं सदस्य था, उस समय बिहार में श्री दारोगा प्रसाद राय जी कांग्रेस के मुख्य मंत्री थे। वहां की विधान सभा ने प्रस्ताव पारित कर दिया कि विधान परिषद् को खत्म कर दिया जाय। मैंने देखा कि ज्योंही

यह प्रस्ताव पारित हो गया, कांग्रेस की ही बैच की तरफ से विचारकर कवि बगैरू जो पुराने सदस्य थे वे कूब पड़े और माइक बगैरू तोड़ कर मुख्य मंत्री से कहने लगे कि क्यों पास करवाया ? जुल्म हो गया। परिणाम यह हुआ कि जो विधान सभा ने पारित किया, दूसरे दिन वह फिर चला आया कि जो पास हो गया वा उसे को रद्द कर दिया जाये। एक तमाशा हो गया। उत्तर प्रदेश में भी उत्तर प्रदेश की विधान सभा ने पारित कर दिया कि विधान परिषद् को खत्म कर दिया जाये। लेकिन विधान परिषद् फिर वहां रह गई। खत्म हो नहीं पाई।

सत्यनारायण राव जी ने कहा कि प्रेज्यूट रिप्रेजेंटेटिव्स और टीचर्स रिप्रेजेंटेटिव्स उसमें आते हैं। तो यह जो स्नातक निर्वाचन क्षेत्र है, मैं भी बिहार विश्वविद्यालय से स्नातक रहा, लेकिन कभी उसका वोटर बन नहीं पाया क्योंकि वह जो वोटर बनाने का काम है, जितने स्नातक विश्वविद्यालय से निकल जायें, उसके साथ ही वे उसके वोटर बन जायें, ऐसे तो वहां उसके मतदाता बनते नहीं।

दूसरे जो शिक्षकों वाली बात है, उसमें थोड़े शिक्षक ही भाग लेते हैं। मिडिल स्कूल और प्राइमरी स्कूलों के जो हजारों शिक्षक हैं वे उसमें मतदाता नहीं हैं। ऐसी हालत में उनको शिक्षकों का प्रसली प्रतिनिधि नहीं कहा जा सकता है।

इसी तरह से लोकल बाडीज कांस्टीट्यून्सी से चुनाव कराये जाते हैं। हमारे यहां बिहार में नोटीफाइड एरिया कमेटी हैं जिसमें होता यह है कि जिस पार्टी की सरकार रहती है वह नोटीफाइड एरिया कमेटी में अपने मन लायक लोगों को नामिनेट करती है। इस तरह से सत्तारूढ़ दल अपने धादमी को उस कांस्टीट्यून्सी से चुनाव कर विधान परिषद् में ले आता है। उसको भी हम प्रसली प्रतिनिधि नहीं कह सकते हैं।

दूसरी तरफ जब विधान सभा में हिन्दुस्तान के आम गरीब लोग बोट देकर अपना प्रतिनिधि चुनते हैं तब क्या कारण है कि देश के कुछ मुट्ठी भर लोग दोबारा मतदाता बन करके दूसरे चम्बर में अपने प्रतिनिधि भेजें ? इसके अलावा इस देश के हल चलाने वाले लोग, कुदाल चलाने लोग लोग, भंस बराने लाले लोग और दूसरे गरीब लोग जो शोपड़ी में रहते हैं— क्या ऐसे लोग विधान सभा और राज्य सभा या विधान परिषद् के सदस्य बनाये जाते हैं ? राज्य सभा में किस प्रकार के सदस्य आते हैं, यह कहने की जरूरत नहीं है, हम भी जानते हैं। हमने देखा है कि पूंजीपति तीन, चार, पांच लाख रुपया खर्च करते हैं और राज्य सभा के सदस्य बन जाते हैं। राज्य सभा के चुनावों

[श्री हकम देव नारायण यादव]

में विधान सभा के सदस्यों को कैसे भ्रष्ट बनाया जाता है, उनके भ्रष्ट करने के माध्यम भी हम जानते हैं। हमने देखा है कि जिस तरह से पैसा देकर राज्य सभा में बने जाते हैं। यह बात हमने बिहार, उत्तर प्रदेश और कई जगह पर होते देखा है। राज नारायण जी हमारे यहां से राज्य सभा का चुनाव लड़ रहे थे, राज नारायण जी तो चुनाव हार गए लेकिन एक बहुत बड़ा पंजीपति जीत गया। इसलिए राज्य सभा और विधान परिषद् के सम्बन्ध में जो व्यावहारिक बात हमने देखी है और महसूस की है उसके चलते हम समझते हैं कि इस हिन्दुस्तान जैसे गरीब देश में विधान परिषद् को रहने का कोई हक नहीं है।

दूसरी बात श्री सत्य नारायण राव जी ने जो भाज कहा, और कुछ हो या न हो लेकिन राज्य सभा के चलते जो संसद् का संयुक्त अधिवेशन बुलाया गया है उसको लेकर भाज लोग सभा में 1 घंटा 45 मिनट जाया हो गए कि प्रेसीडेंट को नोटिफिकेशन करना है या समन करना है या क्या करना है। लोक सभा में एक मिनट पर कितने हज़ार खर्च होता है उसके अनुसार प्रायः हिसाब लगा लीजिए कि कितने हज़ार रुपए बैठते हैं।

हम तो यही देखते हैं कि जनता के वोट से जो लोग चुनाव हार जाते हैं, जनता जिनको धम्सीकार कर देती है, जनता जिनको मान्यता नहीं देती है वैसे लोग राज्य सभा और विधान परिषद् में घुसा लिये जाते हैं। अगर राज्य सभा या विधान परिषद् ऐसे लोगों के लिए रखी जाये जो सामाजिक, धार्मिक दृष्टि से गिरे हुए हैं, जोकि वोट के द्वारा सदस्य नहीं बन सकते हैं, ऐसे समुदाय के जो प्रतिभाशाली लोग हों उनके लिए उसमें व्यवस्था हो तब भी हम कुछ बात समझ सकते हैं। लेकिन हम देखते हैं कि हुबलाज भावमी हवा बांध कर वहां पहुंच जाते हैं। वहां पर लाखों रुपया गरीब लोगों के पसीने की कमाई का खर्चा होता है, उनके लिए वहां पर कोई काम होता नहीं है, वे वहां पर झंझा लगाते हैं। मैं कहता हूँ कि जब लोक सभा या विधान सभा कानून पास करदे उनके बाद उनके मुद्दाय की कोई कीमत नहीं है। जिस संस्था के सुझाव की कोई कीमत न हो उसको रखने की क्या जरूरत है? उससे तो भ्रष्टा है कि प्रायः कानून जानने वाले पांच भादमियों की कमेटी बना दें और वह कमेटी, अगर कोई संश्लेष वाली बात हो तो उस पर विचार कर ले। इस तरह से बहुत कम खर्च में काम चल जायेगा। लेकिन वहां पर रोक लगाने के लिए एक प्रवृत्ति अंग्रेजी शासन से चली आ रही है। चाहे वह प्रशासन हो या विधायिका हो, उसमें एक चेक और बिलिस की थोड़ी चाबू है, ताकि कोई भी काम गति से न हो। प्रशासन में कोई भी

फाइल पहले किरानी से चलती है, उसके बाद हैड-क्लर्क, उसके बाद रजिस्ट्रार, अड्डर-सेक्रेटरी, डिप्टी सेक्रेटरी, ज्वाइन्ट सेक्रेटरी, एडीशनल सेक्रेटरी, सेक्रेटरी, कमिश्नर, मतलब यह कि बीसियों महकमों के अधिकारियों के दस्तखतों के बाद मिनिस्टर के पास पहुंचती है, तब तक सारा काम चौपट हो जाता है। प्रशासन में इस तरह की व्यवस्था काम की गति को रोकने के लिए, चेक लगाने के लिये, अंग्रेजी शासन के समय से चली आ रही है। यह व्यवस्था काम की गति को रोकने के लिए स्पीड-ब्रेकर है, इनको हरगिज नहीं रहने देना चाहिए। इस तरह के सभी स्पीड-ब्रेकर्स को खत्म कर देना चाहिए, ये देश में चलने लायक नहीं हैं।

इन शब्दों के साथ मैं धरने नौजवान साथी श्री रामजीलाल सुमन को धन्यवाद देता हूँ, उनका प्रस्ताव बैलेट में धा गया, इसलिए यहाँ उस पर बहस हो रही है। मैं समझता हूँ कि सरकार को इसे मानने में कोई आपत्ति नहीं होगी चाहिए और इससे जो लाखों-लाख रुपया बचेगा, उसको प्रायः जनता के विकास कार्यों पर खर्च कीजिये। यदि प्रायः चाहने हैं कि जनता को ट्रेनिंग मिले, जनता को लोकतन्त्र के लिए प्रशिक्षित किया जाय, तो प्रायः विधान परिषद् और राज्य सभा को खत्म करके ग्राम-पंचायतों और ग्राम-समाजों को मजबूत कीजिये, इस तरह से सत्ता जनता के हाथों में रहेगी।

SHRI S. R. DAMANI (Sholapur): At the very outset I oppose the Resolution moved by my friend Shri Ramji Lal Suman. In this connection I have my own doubts whether on the Constitutional aspect the Members of this House are entitled to discuss this.

This Councils have been constituted under Article 168. They are a separate entity. Therefore, it is out of our jurisdiction to discuss the points against them. I, therefore, say that it is not within our power to give our views on this as these matters are not under our jurisdiction. Secondly, I was very much surprised to listen the remarks of the hon. Mover and his party colleagues. They have alleged against the institution, their past and present members, their wisdom and also the wisdom of the founding fathers who made provision under Article 168 of the Constitution for the Councils and for the Rajya Sabha.

Our country is a very big country. We have to frame rules and regulations for the development of our country. We have to give protection to trade and industry. We have to provide jobs. We have to create new jobs. There are so many other things which we have to do. With such a strong case it was thought fit by our

founding fathers to have Councils so that whatever Bills are passed, they can be checked up and discussed and their views can be expressed about those things and Bills. With this idea they were separately constituted. Therefore, to say that the Councils are a wasteful expenditure, according to me, is not advisable. May I ask them this question? Can my friends say whether those members who have been elected by the Janata Party in the Councils are rejected politicians? I am asking them to say whether those members elected by the Janata Party on their Janata party ticket in these councils are rejected people. Can they say that they are frustrated politicians? Can you say that they are rejected persons? No. It is not a fact. Persons who are elected are elected in order to protect the interests of many persons and many areas,

For example, it is provided that one-third shall be elected by the electorate consisting of members of municipalities, district boards and other local bodies. They must have their representatives in the Upper Houses to go into the laws which are being enacted.

Like-wise it is provided that one-twelfth will be elected by the Graduates living in the State. The hon. Member spoke in a loud voice. He is a Graduate. He does not remember that he is a voter. It is for every graduate to get his name registered. It is not that it is done automatically. He has to register himself, to get his name in the list.

Then, one-twelfth shall be elected by the teachers not lower than the secondary schools.

Then, one-third will be elected by the M.L.As. Members cannot be represented in the Councils as they like. They are to be elected by these different bodies as I have mentioned above.

They can contribute their mite in the deliberations. There are many important Bills which are being enacted by the Assemblies and by the Lok Sabha. This Upper House acts as a check. They see to it that we do not rush through legislation. They give second thought to legislation and things like that.

Secondly, can you say that a member who is elected alone is wise and a member who is nominated is not wise? Simply because he is nominated, can you say, he does not become wise? How can you say that? It is not correct. You cannot say like that. There is no logic in that and this argument is not correct and I cannot support this kind of an argument.

Also I cannot agree with the statement that they are not contributing anything. I cannot say that the Upper House is a sort of waste of money or anything like that. So, I cannot agree with the argument advanced by the Hon. Mover and his colleagues.

As is well-known, these Upper Houses have been constituted after great deliberation. They are working as safeguards against many hasty legislations which are being taken up in the Assemblies and the Lok Sabha. Anything cannot be rushed through in the Lower Houses.

Over and above that, I again say that the House has no power at all to pass any resolution for abolition of these Councils because they are constituted under Art. 168. If the Assembly Members of any State pass the resolution and forward it to Parliament, then only we can consider it. That also should be done by a two-thirds majority. Then only we can consider that. This Resolution is out of jurisdiction. Therefore, I think the mover of the resolution should withdraw it. I think they have contributed and they will contribute to a great extent for the development of democratic procedures.

The other day, the Janata Government by their overwhelming majority passed the Finance Bill. The Rajya Sabha considered and objected to the duty on coal and electricity. The Janata Government with its overwhelming majority here passed this Bill and sent it to the Rajya Sabha and, in Rajya Sabha, all the parties rejected it and sent the Bill back for reconsideration. Excepting of course, the Janata Party, all the Opposition Parties jointly opposed it. This shows that it was done just because they have a majority. It is a check. They should continue. I therefore strongly oppose the measure. We are not capable of doing anything in these matters. It is out of scope. Secondly, they are contributing a great deal in framing of the laws of the country and they are serving a useful purpose and therefore, they should continue.

MR. CHAIRMAN: Before I call upon the next speaker, I would like to know from the hon. Minister how much time he would need?

SHRI SHANTI BHUSHAN: Not more than fifteen minutes.

MR. CHAIRMAN: How much time the mover will need?

श्री राजश्री साक सुभन : पन्नाह मिनट ।

MR. CHAIRMAN: That means, I cannot accommodate more than one or two speakers.

Shri Nahata.

SHRI VASANT SATHE: If time is needed, the House can extend it for this. What is the point in trying to hustle it? So many other hon. Members want to speak. This is a very important resolution.

MR. CHAIRMAN: Mr. Bosis is very keen about his Resolution.

SHRI VASANT SATHE: Other resolutions may also come. What is the hurry in this? I cannot understand this.

MR. CHAIRMAN: Other resolutions have also come in the ballot. They are very keen about that.

SHRI VASANT SATHE: It cannot be forced like that. If other Members want to discuss, you take the view regarding the time. You are to be guided by the House.

SHRI K. RAMAMURTHY: All the resolutions are balloted for consideration. For example, last time I was not allowed to move my resolution even. This is an important resolution. You should allow some more time to discuss this.

श्री रामजी लाल तुलन : सभापति महोदया, जब सभर गृह संहिता का प्रस्ताव प्राया था, उस समय श्री प्रस्ताव पर समय बढ़ाया गया था।

MR. CHAIRMAN: I have called Mr. Nahata.

SHRI AMRIT NAHAT: Madam, Chairman, I think this Honseia within the constitutional jurisdiction to discuss this Resolution on constitutional amendment. And the upper chambers of the Legislatures of the States could be abolished. After the Parliament passes this amendment it is referred to the State Assemblies and if the majority of the State Assemblies endorse that, then the upper chambers in the States Assemblies could be abolished. Of course, this is a constitutional matter and this House is within its constitutional jurisdiction.

Madam, Chairman, these upper chambers have now become irrelevant in the modern Parliamentary democracy. There are only two arguments in support of the upper chambers—one is that in federal States, an upper chamber is

necessary to look after and defend to represent the interests of the States.

Now, that is strictly not the position in our country. Ours is not a federal State. Ours is a union of States. But we can say it is a quasi-Federal State. That is why we have an Upper House where the Members are elected by the State legislatures. Legally and constitutionally I do concede the justification for having Rajya Sabha here at the centre. But what is our experience? The experience is that the Members of the Upper House represent their Chief Ministers and not the States. Above all they represent more their parties than their States. The party system with the whips and discipline has made a mockery of geographical divisions even in a Federal State.

Now, my learned predecessor contradicted himself when he cited the recent example where Rajya Sabha has disagreed with the Lok Sabha. It is because the ruling party in this country does not have majority in the Rajya Sabha. Therein lies the mischief. Rajya Sabha is a mechanism of perpetuating the rule of a party which lost in the General Elections. Fortunately, the Janata Party got pre-dominantly overwhelming majority in this House and the intention was defeated. Otherwise if Janata Party had won by a narrow margin in the Lok Sabha probably the Upper House would have been a constant headache and a thorn in the flesh and this party could not have proved a success as even for ordinary legislations there would have been disputes between the two Houses every second day. Therefore, in spirit the Upper House as it is constituted is undemocratic. It is a permanent House with a six year term for each Member and one-third of them being elected every two years. This type of Rajya Sabha is only a brake on the will of the people. It is a perpetuation of the earlier rule. The practical experience of Rajya Sabha is that it is divided on party lines. The members of Rajya Sabha are not wiser than the members of this House. Perhaps we have more graduates proportionately in this House than in the Upper House. There is proportionately more younger members in the Upper House than in the Lower House. The other day one hon'ble Member of the Rajya Sabha was telling me that Lok Sabha is becoming 'Purlok Sabha', viz., a grave-yard of old men. I told him that now I find a wine-yard of young men and women concentrated in their House. Age, educational qualifications, wisdom, etc. nothing distinguishes Upper House from this House. They are the same. On the other hand we have more judges, more advocates, more learned men in this House or at least as many learned men proportionately as in the Upper House.

Now I come to the Legislative Councils. There the only argument is that the members of the Lower House are drunk whereas the members of the Upper House are sober. No democratic set-up can accept this argument. If the members of the Lower House are drunk then the whole country is drunk. If we are in a hurry then the whole country is in a hurry. If we are angry then the whole country is angry. If we are restless then the whole country is restless.

No democracy can accept a set of people who are wiser than the representatives of the people. We do not accept avatars. Democracy has a right to commit mistakes and has a right to learn from the mistakes, right even not to learn from mistakes. Upper house is a compromise with oligarchy, with aristocracy. They are in a sense anti democratic and therefore they should go.

SHRI M. SATYANARAYAN RAO: What will happen to our Law Minister?

SHRI AMRIT NAHATA: I am talking of the upper chambers in the States. About Rajya Sabha I have already said that in practice it does not represent the states. Why should some states have upper chambers and why some others do not have them? Not because it is left to the State assemblies. Two of them had resolved by two thirds majority to abolish upper chambers; yet they were not abolished because President's assent was not given. Again college teachers and university teachers, not school teachers, get representation; they are politically the most illiterate people in the country. Local bodies get representation. What type of local bodies? Mostly nominated local bodies. It is a distortion. No syndicalism. Trade unions are not represented; farm labour are not represented; primary school teachers are not represented; weaker sections and toiling masses are not represented. Yet it is said that they provide the lower house an opportunity to ponder, to get some time. In what way, in what State has it done so? Because they are governed by party composition. Members of the upper house are all given tickets on political grounds. There is such a long queue of candidates for tickets and those who cannot be accommodated in the lower houses are accommodated in the upper houses; it is political accommodation, political patronage, by the ruling party as well as other parties; it is back door entry. In theory the second chambers are speed breakers but in practice they are back door entries and they are not admissible in a democracy.

PROF. P. G. MAVALANKAR (Gandhinagar): This resolution by my friend Shri Ramji Lal Suman raises some

very interesting and challenging issues and problems. The question of bicameralism perennially interests the political scientists, not so much the political practitioners. The political scientists have also found this question a vexed and difficult question, because they find that in theory unicameralism is of value but in practice most countries all over the world seem to be having bicameralism. The French writer Abbe Sieyus has often been quoted: if the second chamber agrees, with the first, it is superfluous; if it does not agree it is obnoxious." The distinguished Professor Harold Laski in his "A Grammar of Politics"—I hope the Law Minister has read it—has made out a very potent case for unicameralism. But Laski was a political scientist, not a political practitioner. In theory one may agree that unicameralism has many good things to offer, whereas bicameralism has nothing particularly significant to give by way of results or dividends. Now, I do not think that we can view this matter in the larger context of the world as a whole or in theory in general; we must look at it in terms of the Indian context, particularly in the context of what is happening since 1950 more particularly since 1952 when election machinery set forth two chambers in the federal capital and two chambers in various state legislatures. The resolution of Shri Suman does not make mention of Rajya Sabha at all and I do not know why we should bring in Rajya Sabha in this context. Indirectly it can be mentioned. We are not touching upon Rajya Sabha's status and role in the limited context in which the makers of Constitution have viewed their role and the status of this second chamber. I agree with Mr. Nahata; Rajya Sabha has a certain kind of role to play in regard to representing status at least on paper, if not in practice. But on paper it is there. Now the point is the Members of the Rajya Sabha are supposed to be representing the point of view of the States, representing the voices etc. But may I remind the House of what happened during the Emergency? I want to tell this with great respect to my friends in the Rajya Sabha, but with greater respect to truth. During the Emergency, Madam, Chairman, you will recall and the House will recall that it was not this House, our House, the Lok Sabha, but it was the Rajya Sabha which was used and manipulated by the then Government for bringing forward a Constitution Amendment Bill, atrocious, pernicious and dangerous as it was. I do not know how the Cabinet allowed that Bill to be accepted. Of course, you know how the Cabinet functioned then. There was no Cabinet and there was only one person and that was the Cabinet. After the Bill was passed by the Cabinet, it went to the Rajya Sabha; the Rajya Sabha somehow passed it in August 1975. Now fortunately or unfortunately, I think fortunately, they

[Prof. P. G. Mavalankar]

have had no guts to bring it in the Lok Sabha at that time. But you can see how a second chamber, if it is there, can be used by a Government bent upon destroying the Constitution, and the then government, did use the Second Chamber to suit their unconstitutional and undemocratic means and ends. That is what happened. I hope that will never happen in the future, in normal times or even in abnormal times. I am only pointing out how a Government bent upon using the second Chamber can make use of it to their entire use, as it did at the time of August 1975, when the Rajya Sabha was used that way.

Within the few minutes at my disposal, I will engage myself, and the attention of the House only to the Legislative Councils or the Vidhan Parishads of our country. What is the experience and what is the academic exercise that took place; not only academic exercises, but the debates that took place in the Constituent Assembly. Mr. H. V. Kamath—I do not see him here—he was all along present almost upto this moment—described the second Chamber in the States as “pernicious” and “vicious”. That is what he has said. Prof. K. T. Shah, another champion in those days, had said that he did not believe in bicameral legislatures at least for the States. Why? Because he considered the second chamber in the States, the Vidhan Parishad—I am quoting his words—

“more as a dilatory engine than a help in reflecting popular opinion on crucial questions of legislation.”

He also said that it involved considerable outlay from the public exchequer. He further very vehemently expressed the view that the second chamber aided party bosses to distribute more patronage and helped in obstructing or delaying legislation. Many other Members had also said the same thing. But I will not take the time of the House on that.

Now in the end, before I come to the next point, I will only mention what Dr. B. R. Ambedkar, who replied to the discussions in the Constituent Assembly, said—Dr. Ambedkar's words need to be very carefully noted—This is what he said:

“Speaking for myself I cannot say I am very strongly preprocessed in favour of a second chamber. To me it is like the curate's egg—good only in parts. All that we are doing by this Constitution is to introduce the second chamber as an experimental measure. There is sufficient provision to get rid of it. I suggest that as a sort of compromise this article may be allowed to be retained in the Constitution.”

What is our observation, experience? My friend Mr. Suman has mentioned only three things in his resolution. He has said that the Legislative Councils have not served any useful purpose, secondly he says, they are proving cumbersome in passing legislation and thirdly he says, they are a costly experiment, which we cannot afford, a poor country like ours can ill-afford. But I may add a few more to his list of difficulties.

First of all, I would like to ask as to how many of our States have got a second chamber? You will see that out of 22 States, only seven States or so have got it, and so can we honestly say now that the remaining 15 States, where there is no Vidhan Parishad, are very much in difficulty, that they are suffering from all kinds of Constitutional, political, legislative, legal and other difficulties and suffering from no representation? Actually, we have it only in those seven States and if that is so, then the argument should be really and logically that the other 15 States must also have the Vidhan Parishads. But the very fact that as many as 15 States in our country, the Union of States, have not got a second chamber, only shows that most of them do not need it. Then why do we have it?

Secondly, we may say there is representation of different interests, some people may say that. A point was made by my friend, Mr. Alagesan an! others—what was about teachers? I am a teacher and I can tell you in all honesty that no teacher if he is really a teacher find himself in any of the second chamber. He must become politically oriented. Particularly in the election to the second chamber, he must become an instrument or candidate of a political party. Only then he will find a place in the second chamber. Therefore, he is not merely representing the teachers' interests but that political party's interests as well. That is why representation of teachers is based on party considerations rather than on considerations of professionalism. I can understand in Yugoslavia, for example, and in some other countries, there are second chambers or special chambers or additional houses where professionals are represented. But in our country, second chambers have not proved to be representing professions at all. All that is done is, the parties have got a chance to put in more people into the second chamber.

Finally, the debates in the second chambers in the States are merely repetitive. The same sets of arguments are used. There is not even a single additional new argument, because of the party system, party whip and party discipline. Therefore, there is no improvement in debate. And let also the Law Minister note further

that there is not even improvement on legislation. If at all there is improvement, the government uses the second chamber to make things more favourable to itself. I do not want to mention about Rajya Sabha in detail, but in the States, they have used the second chambers to accommodate all kinds of defeated, disgruntled, rejected, dejected, frustrated people, who have been thrown out by the people at the popular elections. How can you have them put into the second chamber immediately? They should wait at least for five years.

I conclude by saying, bicameralism is very expensive. It is moreover, used for distributing political patronage. On balance, therefore, it seems to me that the House should be inclined to accept my friend's resolution, so that at least in the States we do away with the upper Houses. In the federal polity let us have Rajya Sabha, until we get convinced that that too is unnecessary!

SHRI JYOTIRMOY BOSU: We started at 3.30. May I know what is the time left for this resolution?

MR. CHAIRMAN: The record says that this resolution started at 3.40. The time left for this resolution was 1 hour 36 minutes. So, there is not much time left. I should be calling the minister. But there are strong demands and suggestions from various quarters that the time may be extended. I would like to be guided by the House. What is your wish?

SHRI VASANT SATHE: We want to speak and some persons on that side also want to speak. So, time should be extended.

AN HON. MEMBER: Let us extend it by two hours.

MR. CHAIRMAN: If we extend it by two hours, the second resolution cannot come. He has a right to move it. Therefore, I would call two or three people more, so that the second resolution can be started today.

SHRI B. P. MANDAL: If the time is extended, Mr. Jyotirmoy Bosu's resolution should be at least moved. It is very important.

SHRI JYOTIRMOY BOSU: My motion is already in the hands of the Secretariat.

SHRI K. T. KOSALRAM (Tiruchendur): My resolution comes next. I should be allowed to move it.

MR. CHAIRMAN: I know. That is why I was in a hurry. If we do not waste time in unnecessary discussion, we will have time to start the second resolution. Mr. Bosu, I do not think there is a ghost of a chance of your resolution being taken up today.

17.00 hrs.

SHRI JYOTIRMOY BOSU: I have given a motion. It reads like this.

The motion reads: "That the discussion on the Resolution..." (*Interruptions*) Madam Chairman, regarding my motion there is no cause for alarm in the minds of others. Only the corrupt people will get alarmed

SHRI K. RAMAMURTHY: As if he is not corrupt.

MR. CHAIRMAN: What is your point of order.

SHRI JYOTIRMOY BOSU: My motion is that the discussion on the Resolution....

MR. CHAIRMAN: I am sorry I can not give you time just now. Please take your seat.

SHRI JYOTIRMOY BOSU: Madam Chairman, my motion is:

"That the discussion on the Resolution regarding Inter-State Rivers moved by Shri K. T. Kosalram be adjourned to the first day allotted to the Private Members' Resolutions in the next Session and the provisions of sub-rule (1) of Rule 30 and the proviso to Rule 29 be suspended in its application to this Resolution to enable the Resolution to be set down in the List of Business without ballot, as the first item therein."

You can put this motion to the House.

MR. CHAIRMAN: Will you kindly take your seat?

SHRI JYOTIRMOY BOSU: Will I, Madam.

MR. CHAIRMAN: I must say that this Resolution has to be finished. Mr. Kosalram's Resolution comes next. It is only after that, the third Resolution can be taken up. Now, I request Mr. Lakshmi Narain Nayak to please be very brief.

SHRI JYOTIRMOY BOSU: There is ample provision in the rules that the rules can be suspended.

MR. CHAIRMAN: I am sorry, I have given by ruling.

SHRI JYOTIRMOY BOSU:
Madam Chairman, after this Resolution
is finished, kindly put my motion before
the House.

श्री सखी नारायण नायक (खजुराहो) :
सभापति महोदय, मैं श्री रामजी लाल सुमन
द्वारा प्रस्तुत संकल्प का समर्थन करने के लिए
खड़ा हुआ हूँ। उनका संकल्प है—इस सभा
की राय है कि राज्यों में ऊपरी सदनों (विधान
परिषदों) ने कोई सायंक भूमिका भ्रदा नहीं
की है तथा कानून बनाने की प्रक्रिया में ये
भारस्वरूप तथा भनाव्ययक खर्चाले सावित हो
रहे हैं तथा, इसलिए, इनको भीधानिधोघ्न समाप्त
करने के लिए संविधान में उपयुक्त संशोधन
किया जाये।

इस सम्बन्ध में मैं कहना चाहता हूँ कि कोई
भी कानून जो जनता के हित में हो, जो प्रभाव-
कारी हो, जो सुधीने के लिए हो उस पर हमको
जरूर विचार करना चाहिए। हमारा देश गरीब
है, इस देश में बहुत सा खर्चा भनाय-भनाय
हो रहा है इसलिए हमें सोचना पड़ेगा कि जो
ज्यादा खर्चा हो रहा है उसको किस तरह से
कम करें। घ्राप देखें कि घ्राभी घ्रांध्र प्रदेश,
बिहार, तमिलनाडु, महाराष्ट्र, कर्नाटक, उत्तर प्रदेश
घ्राौर जम्मू कश्मीर में विधान परिषदें हैं जबकि
बाकी प्रदेशों में जैसे मध्य प्रदेश, राजस्थान,
गुजरात, पंजाब, हरियाणा, हिमाचल, उड़ीसा,
असम, पश्चिम बंगाल घ्राौर जो केन्द्र शासित
प्रदेश हैं वहां पर विधान परिषदें नहीं हैं। जैसा
माबलंकर जी ने कहा कि घ्राभी जहां पर विधान
परिषदें नहीं हैं वहां पर कौन सी कठिनाई हो
रही है घ्राौर जहां पर हैं वहां पर कौन सी बड़ी
सहूलियत हो रही है। इसलिए मैं समझता
हूँ कि जो जनमानस की राय है, जो घ्राम जनता
की राय है उसको हमें देखना चाहिए। घ्राज
घ्रागर लोक सभा यह पास कर दे कि विधान
परिषदें नहीं रहनी चाहिए घ्राौर संविधान में
ऐसा संशोधन होना चाहिए, तो इस देश की
सारी जनता को इससे बड़ी प्रमन्नता होगी।
मैं तो यहाँ तक कहना चाहूंगा कि यह जो
राज्यपाल का पद है, राज्यपाल का जो स्थान है,
उसको भी समाप्त करना चाहिए, उसकी कोई
जरूरत नहीं है। कई ऐसी चीजें हैं, यदि हमें
देश का भला करना है तो उन चीजों को समाप्त
करना पड़ेगा।

जैसा घ्राभी कहा गया—इन विधान परिषदों
में क्या होता है—चीजों को दोहराया जाता है।
जो चीज लोक सभा में पास हो जाती है, वही
राज्य सभा में पास होती है, जो चीज विधान सभा
में पास होती है, वही विधान परिषद् में पास
होती है—हर चीज दोहराई जाती है। घ्राभी
हमारे माननीय सदस्य धलगेसन साहब ने कहा
कि लोक सभा में सब तरह के घ्रावमी नहीं घ्रा

पाते हैं। लेकिन घ्राप इसी लोक सभा को
देखिये—इसमें डाक्टर हैं, इंजीनियर हैं, बकील
हैं, शिक्षा शास्त्री हैं, नौजवान हैं, सब तरह के
लोग हैं घ्राौर जनता के बोट में चुन कर घ्राये
हैं। इसलिए मुझे तो यहां कोई कमी नजर नहीं
घ्राती है। मेरा घ्राप से निवेदन है कि विधान
परिषदों को समाप्त किया जाना चाहिए, यह बहुत
बेजा खर्चा है। यदि हमें देश से गरीबी को
मिटाना है घ्राौर सच्चाई के साथ मिटाना है तो
तत्काल ऐसे घ्रापाय-भनाय खर्चों को समाप्त करना
चाहिए।

घ्राभी यहां पर एक सवाल उठाया गया कि
हमारे विधि मंत्री जी का क्या होगा? हमारे
विधि मंत्री जी इतने योग्य हैं, उन्होंने जो काम
कानून के क्षेत्र में किया है, ऐसा व्यक्ति किसी
भी समय कहीं से भी लोक सभा के लिए खड़ा
हो जाय, तो सबसे ज्यादा मतों से जीत
सकता है। जो व्यक्ति बद्धिमान है, शिक्षित
है, जो देश की जनता के लिए कुछ करने लायक
है, वह कहीं से भी घ्राा सकता है। इसलिए
मेरा निवेदन है कि विधान परिषदों की जो
व्यवस्था है, वह समाप्त होनी चाहिए। मैं घ्रापको
बतलाना चाहता हूँ—जब मध्य प्रदेश की विधान
सभा में यह सवाल उठा, सभी लोगों ने इसका
समर्थन किया, उस समय जहां संविद की सरकारें
बनी थीं, उन्होंने भी इसका समर्थन किया था।
इसलिए हमें जो जनता की राय है उसका सम्मान
करना चाहिए। कुछ लोग घ्रापने मन से कह
सकते हैं कि इसको बनाये रखना चाहिए, लेकिन
घ्राम जनता क्या चाहती है, घ्राम जनता यही
चाहती है कि जो घ्रापाय-भनाय खर्च शासन द्वारा
चलाए जा रहे हैं वे सब समाप्त होने चाहिए।
इस तरह से जो पैसा बने, उसको निर्माण कार्यों
में लगाया जाना चाहिए। घ्राज भी हमारे देश
में पानी की कमी है, बिजली की कमी है, हज़ारों-
लाखों ऐसे घ्रादमी हैं, जिनको हम घ्रावास नहीं
दे सके हैं, कपड़े की व्यवस्था नहीं कर सके हैं,
शिक्षा की व्यवस्था नहीं कर सके हैं—इस तरह
के खर्च को बचा कर हमें इन कामों में लगाना
चाहिए, ताकि हमारा देश घ्रागे बढ़ सके। हमने
एक तरह से ब्रिटिश साम्राज्य की परिपाटी को
यहां पर लागू किया है, जो व्यवस्था हमारे लिए
लाभकारी नहीं है, उसको ग्रहण न करके, उनके
यहां जो घ्राष्टी चीजें हैं, उनको हम ग्रहण कर लें।
यह सोच कर नहीं चलना चाहिए कि जो चीजें
पहले से बनी घ्रा रही हैं, उनके ही घ्रानुस्य
चलते रहें, हम उनमें सुधार कर सकते हैं, संशोधन
कर सकते हैं।

इन शब्दों के साथ मैं श्री रामजी लाल सुमन
के इस संकल्प का हृदय से समर्थन करता हूँ।

*SHRI K. RAMAMURTHY (Dharmapuri): Madam Chairman, I rise to say a few words on the Resolution of my hon. friend.

श्री रामजी लाल सुमन : सभापति महोदय, मैं आपकी धामा से एक बात कहना चाहता हूँ—जो माननीय सदस्य मेरे प्रस्ताव पर बोले हैं, उनमें से अधिकांश ने शायद मेरे प्रस्ताव को पढ़ा नहीं है। इसमें राज्य सभा को समाप्त किये जाने का कोई प्रस्ताव नहीं है, लेकिन अधिकांश वक्ताओं ने राज्य सभा के सम्बन्ध में अपने विचार व्यक्त किये हैं।

श्री बसंत साठे : लेकिन सब लोग तो इसी पर बोल रहे हैं, मावलकर जी भी इसी पर बोले हैं, कंबर लाल गुला जी भी इसी पर बोले हैं, यहां बड़े-बड़े विद्वान् लोग हैं।

SHRI K. RAMAMURTHY:...

Shri Ramji Lal Suman demanding that the Upper Houses in the States and the Rajya Sabha at the Centre be abolished. I oppose this Resolution. I feel that the hon. Member belonging to Janata Party has been motivated by his Government's inability to get through Rajya Sabha the legislations as passed by the Lok Sabha where the ruling party has the majority. Here, I am reminded of the passenger who somehow pushes himself into the train prevents others from getting into the train. The Resolution has been brought here simply because the Rajya Sabha has thrown out certain Bills of the Janata Government, which has been approved by the Lok Sabha. I do not contribute to the contention that it is anti-democratic if the Rajya Sabha rejects the Bill passed by the Lok Sabha. Shri Amrit Nahata seems to have been enamoured of democratic concepts that he continued with the argument that such a move on the part of Rajya Sabha is contrary to the wishes of the people. Here I would like to raise a pertinent question.

The Lok Sabha passes a Bill, which is also approved by the Rajya Sabha. Then, someone takes the Act to a Court of Law. The Judges in the Court of Law, who could not contain their yawning on account of their advanced age, declare the legislation as *ultra vires* of the Constitution. I would like to know whether this is in consonance with the democratic concepts, especially when a Bill giving legal shape to the hopes and aspirations of the people and having been passed by the Lok Sabha comprising of the elected representatives of the people is rejected by the Court.

The Janata Government drum-beats about the Judiciary having been restored to its pristine purity and freedom. Yet, the Judiciary throws out a duly enacted legislation on some ground or the other. Should we take that this is within the democratic framework?

Democracy means debate and discussion. dissent and consent are two sides of the coin of democracy. If contrary views are expressed in a democracy, it does not mean that it is anti-democratic. Should we exterminate all those who express contrary views in a democracy? If a Bill as passed by the Lok Sabha is not passed by the Rajya Sabha, it does not mean that Rajya Sabha is a stumbling block or a speed-breaker in the legislative programmes of the Government. Such a Bill can again be discussed in the Lok Sabha or in a Joint Sitting of both the Houses. Democracy demands deep deliberation. We cannot alienate the Upper Houses from the functioning of democracy. They have a role to play. The continuance or abolition of the Upper Houses in the States and in the Rajya Sabha should not be subjected to the whims and caprices of the Ruling Party. They continue to have constitutional protection. Hence I oppose this Resolution and conclude my speech, by reiterating that they should continue in our framework.

श्री यशराज (कटिहार) : सभापति महोदय, श्री रामजी लाल सुमन ने जो संकल्प प्रस्तुत किया है, मैं उसके समर्थन के लिए खड़ा हुआ हूँ।

26 जनवरी, 1950 से जब यह संविधान लागू हुआ मुझ में, तब से उसमें एक प्रोविजन बना कि इसके धाटिकल 168 के अनुसार द्वि-सदन, इ हाऊसेज आफ लेजिस्लेचर, छः राज्यों में होंगे और उसी धाटिकल के मुताबिक जहाँ दो सदन हैं, विधान सभा और विधान परिषद् के नाम से, वे काम करेंगे लेकिन 1950 में विधान परिषद् कई राज्यों में गठित हुई। कई राज्यों में बाद में बनीं। उसके बाद प्रांश प्रदेश में लेजिस्लेटिव काउंसिल का एक्ट बना और प्रांश प्रदेश में विधान परिषद् बनी। मद्रास राज्य के कई जिलों को निकाल कर प्रांश प्रदेश में ले प्राया गया और हैदराबाद राज्य के कई जिलों को भी प्रांश प्रदेश में शामिल किया गया। बंगाल और दूसरे राज्यों में पहले जहाँ काउंसिलें थीं उनको अबोलिश किया गया।

सभापति महोदय, हमारे कई माननीय सदस्यों ने इस सदन का ध्यान आकृष्ट किया है कि यह एक सुपर इंस्टीट्यूशन है और यह सोभर हाउस की बाल को रिपीट ही करती है। लोभर

[श्री युवराज]

हाउस में माननीय सदस्य जो पारित करते हैं, उसे लेजिस्लेशन बनाते हैं, उस पर अपर हाउस विचार कर उसे पारित क़ब्ज़ा है। अपर हाउस डिमाण्ड्स पर विचार क़ब्ज़ा अपना कोई संशोधन प्रेश नहीं कर सकता है। फाइनेंस बिल को वह बोट डाउन नहीं कर सकता है या किसी मनी बिल पर वह कोई प्रमैजमेंट प्रेश नहीं कर सकता है। देश के जो महत्वपूर्ण कार्य हैं, उन पर जो चेक एण्ड बैलेंस का काम होता है, वह हाउस नहीं करता है। महत्वपूर्ण कार्य करने में वह हाउस असमर्थ है।

प्रापको सुन कर आश्चर्य होगा कि एक समाजवादी देश स्वीडन ने अभी हाल में अपने दूसरे सदन को प्रबोलीश करके अपने यहां एक सदनिय संसद कायम की है। सभापति जी, इतना ही नहीं, जब भारत के ड्राफ्ट कॉस्टीयूशन पर बहुत बल रही थी उस समय भी श्री लोकनाथ मिश्र जी ने अपनी भावना व्यक्त करते हुए कहा था और अपना प्रमैजमेंट भी मूव किया था जो इस प्रकार है—

"In moving amendment, he stated: "It is now admitted almost on all hands that second chambers are out of date."

सभापति महोदय, यहां इस संदर्भ में यह भी कहा गया कि ऐसा करके हम अपनी पुरानी परम्परा को खोयेंगे। लेकिन मैं कहना चाहता हूँ कि अनेक देशों में धीरे-धीरे इसे अनावश्यक मान कर और इस पर होने वाले अनावश्यक खर्च को खत्म किया जा रहा है। इस सदन की सिवाय इसके कोई जरूरत नहीं है कि इसमें कुछ रिटायर्ड पोलिटिशियंस को रख दिया जाए, उनका मेंटेनेंस कर दिया जाए। इसके अलावा इसका कोई और महत्वपूर्ण काम नहीं है। मेरे विचार में विधान परिषद् कोई महत्वपूर्ण काम नहीं कर पाती है जिससे कि उसके अस्तित्व को बनाये रखने का कोई औचित्य सिद्ध हो सके। दूसरे जिन देशों में हमारी तरह का लोकतंत्र है और जिस देश की लोकतंत्रीय पद्धति का हमने अनुसरण किया है, ऐसे तमाम देशों में वहां की जनता यह विचार करने लगी है कि इस अपर हाउस की क्या आवश्यकता है। इसलिए जैसा कि माननीय सदस्यों ने अपने विचारों की तरफ इस सदन का ध्यान आकषित किया है और इस अपर हाउस को खत्म करने की मांग की है, मैं चाहता हूँ कि सदन इस पर विचार करे। हमारे बहुत से माननीय सदस्यों की और मेरी भी यही राय है कि इस सुपर इंस्टीट्यूशन को बनाये रखने की आवश्यकता नहीं है क्योंकि जनता के बहुत सारे मूलभूत काम इस हाउस के द्वारा नहीं होते हैं, वे लोअर हाउस के द्वारा ही किये जाते हैं। इसलिए इस हाउस को प्रबोलीश कर देना चाहिए।

इन शब्दों के साथ मैं इस संकल्प का समर्थन करता हूँ।

SHRI C. K. CHANDRAPAN (Cannanore) : Sir, I rise to support the Resolution moved by my hon. colleague, Shri Suman.

This very concept of a bicameral system of legislature is rather a very old idea of practising democracy because in those days when the mother of parliamentary democracy came into being in Britain, there was a House of Lords and the House of the People and they used to hear about the old concept of checks and balances. It is in that light that our Constitution was framed. The founding fathers of the Constitution had given shape to an Upper House. I do not want to repeat those arguments advanced by my friends. They said that it did not prove its worth either in the shape of Rajya Sabha or in the shape of Upper Houses in various States and that it could not justify its existence by rendering any useful service to the country. On the contrary, what we had experienced is that it appeared to be a very big luxury, an expensive luxury which this country could not afford. And that is one of the reasons advanced by Mahatma Gandhi when he expressed his view that he did not support also an Upper Chamber in this country. Let us not forget the fact that we are living in a country where there is party system. We are not living in a partyless democracy. So, whatever be the nature of the House constituted in the Rajya Sabha or in the Upper Houses, it is ultimately the party whip which will decide whether a resolution or a bill or whatever it may be, should be adopted or rejected. In that situation, it is not going to add any more checks or balances on the decisions which a Lower House will take. Therefore, I do not find any justification for continuance of the Upper House. On the contrary, what we find is that it is used as a place to accommodate political friends and political colleagues who were defeated in the elections by the people. In the elections those who lost can conveniently find a place in the Rajya Sabha by getting nominations by influencing party or their friends. That way, that does not seem to be a proposition by which we can expect that democracy will be further safeguarded by the Upper House.

These are some of my arguments in support of this Resolution moved by my friend, Shri Suman.

श्री राजकी सिंह (भागलपुर) : प्रत्येक युग में कोई न कोई अर्थ विश्वास होता है। इस युग में राजनीति के क्षेत्र में एक अर्थ विश्वास

चत्र रहा है जिसको द्वितीय सदन कहते हैं। फ्रांस की राज्य क्रांति के समय में एक धार्मिक ने कहा था जिसको हमारे कामत साहब ने संविधान निर्माण के सम्बन्ध में उद्धृत किया था, प्रथम सीस को, जिन्होंने दूसरे सदन के विषय में यह धारणा रखी थी :

"If a second chamber dissents from he first, it is mischievous, if it agrees with it, it is superfluous."

तो यह मैरियट की किताब सेकेन्ड चैम्बर में उद्धरण दिया गया है। लेकिन उसने इसको कहा :

"The superficial dilemma propounded by the arch Constitution monger of the French Revolution."

लेकिन अंतिम पृष्ठ पर उसने कहा :

"In theory it is difficult to escape the dilemma propounded by Sicyes."

तो फ्रांस की राज्य क्रांति के समय में जो दुविधा थी वही आज हमारे सामने है। क्या आवश्यकता है? भारत के संविधान का जब निर्माण हो रहा था और राज्य सभा का निर्माण हो गया तो अनुच्छेद 148 (ए) में जो डॉ० ब्रम्हचर माहब ने रखा था यह कहा कि प्रसेम्बली का सवाल रहने दिया जाय, पार्लियामेंट पर छोड़ दिया जाय। उन्होंने कहा था विवाद में बोलते हुए :

"Throw it to the Parliament and let it decide what it likes."

तो यह पार्लियामेंट पर था। और आज आपने देखा कि केवल 7 राज्यों में द्वितीय सदन है। इसका मतलब है कि द्वितीय सदन की आयनेक्स समाप्त हो गई है और इसलिए जितनी जल्दी भी सके इस अनर्थकारी, अनिष्टकारी और अप-व्ययकारी सदन को समाप्त करना चाहिए।

बहुत सारी बातें कही गयीं, हमारे माननीय प्रलेसन ने बहुत सारी बातें कहीं। उन्होंने कहा कि परम्परा है। कौन सी परम्परा है? भारतीय राज्यतंत्र के इतिहास में द्वितीय सदन की परम्परा नहीं है। हमने क्लोन स्लेट से शुरु किया था। यह तो ब्रिटिश प्रोपनिवेशिक संस्कृति की परम्परा है कि हमने उसको यहां पर रखा। माननीय प्रलेसन ने एक बात और कही कि इसमें विभिन्न लोगों को, विभिन्न इंटरस्ट्स को प्रतिनिधित्व मिलता है। यह विभिन्न इंटरस्ट क्या होता है? वह इंटरस्ट जिसको मैनिपुलेट कर सकते हैं वही इसमें स्थान पाते हैं। लेकिन लोक सभा, जो जनता का सदन होता है उसमें तो सभी तरह के लोग पाते हैं। और निहित स्वार्थों को प्रतिनिधित्व देने से क्रांति का चक्का धीमा पड़ जाता है। इसीलिए समाज परिवर्तन की दृष्टि से भी अपर हाउस का रहना ठीक नहीं है।

माननीय प्रलेसन ने बहुत अच्छी बात कही थी कि लोक सभा के जल्दीबाजी करने से नुकसान होता है। चायद राजनीति का इतिहास जानने वाले जानते हैं कि आजकल विधान बनाना कितना कम्बरसम प्रोसेस है। आप देख रहे हैं कि लोकपाल बिल के लिये तीन बार समय लिया गया। तो आज विधान बनाने में कितना समय लगता है यह हम लोग अपनी भांति जानते हैं। आज जल्दीबाजी हो ही नहीं सकती है। इसलिए आज द्वितीय सदन को कोई आवश्यकता नहीं है। आप जानते हैं कि संसदीय प्रजातंत्र में पार्टी का ह्विप काम करता है जिसका ज्वलंत प्रमाण हाल ही में बैंकिंग रिपील बिल पर हो रहे जौहट सेशन से मिल जायगा। इसलिए माननीय प्रलेसन को अपने मुझ पर विचार करना चाहिए।

प्रसन्न मुद्दा तो यह है कि प्रश्न काफ़ी महत्व का है और हममें हमें मिल कर निर्णय लेना चाहिये। गांधी जी की बहुत सी बातें कही गयीं। हमारे माननीय प्रलेसन गांधी जी के बड़े भक्त हैं। उन्होंने जो हमके विषय में कहा था उसकी मैं पुनरावृत्ति तो नहीं, लेकिन किस स्पष्ट शब्दावली में उन्होंने द्वितीय सदन का विरोध किया है वह मैं आपको बताना चाहता हूँ :

"I am certainly not enamoured or I do not swear by two legislatures. I have no fear of a popular legislature running away with itself and hastily passing some laws of which afterwards it will have to repent....."

समय होता तो बताना कि द्वितीय सदन के खिलाफ उन्होंने क्या बातें कही हैं। सबसे बड़ी बात तो यह कही गई कि शिक्षाविदों को स्थान मिलता है। शिक्षाविदों को विश्वविद्यालयों और अनुसंधानशालाओं में भेजिये। अगर कोई राजनर्तक है, तो उसे नाट्यशाला में भेजिये। अगर कोई विद्वान है, तो उसे ऐकेडेमी में भेजिये। यह राजतंत्र का मंच है। यहां पर जनता जिसको प्रत्यक्षतः भेजती है, वही भ्राना चाहिए। बैकडोर से, गुप्त दरवाजे से, भ्राने वाले राजनेता प्रजातंत्र के दुश्मन होते हैं। हिन्दुस्तान का इतिहास इस बात का माफ़ी है कि दूसरा सदन क्रांति की प्रक्रिया और समाज-परिवर्तन के चक्र को रोकने वाला होता है।

MR. CHAIRMAN : The House was extended by half-an-hour. Now the time is over.

SHRI VASANT SATHE : Please extend it by 15 minutes more.

MR. CHAIRMAN : We will have to take up the resolution also. Mr. Mandal has also sent his name. Mr. Paswan is also there. There are so many other Members.

SHRI VASANT SATHE : I want to speak for at least five to ten minutes.

SHRI BEDABRATA BARUA (Kaliabor) : In my party, only two Members have spoken.

SHRI VASANT SATHE : You give five minutes to us.

SHRI JYOTIRMOY BOSU : You know I am also sitting.

MR. CHAIRMAN : What can we do. We are not interested in this.

SHRI JYOTIRMOY BOSU : I am sitting for my motion.

MR. CHAIRMAN : I am in the hands of the House. It is not my pleasure to sit here and go on listening to the speeches. My difficulty is that I have to accommodate the Members also. Now, I am receiving so many chits. I appreciate it because this is a very important piece of legislation. Everybody, of course, would like to speak and Mr. Chandrapan has just now sent me a word to say that I have to give a chance to CPI party also.

SHRI K. GOPAL (Karur) : Can I make a suggestion? In view of the importance of the resolution that is coming up next which is of national importance since there is no time at least the mover can be allowed to move his motion. If necessary, you can extend the time of the House by half-an-hour. We do not mind from this side.

MR. CHAIRMAN : Where is the question of moving it? It will automatically come. There is no difficulty.

SHRI K. GOPAL : But it must come now.

समापति महोदय : अब माननीय सदस्य इसको कितना एक्सटेंड करना चाहते हैं ?

श्री विनायक प्रसाद यादव (सहरसा) : एक घंटा घीर दे दीजिए ।

श्री बी० पी० लक्ष्मण (मधेपुरा) घोड़ा समय मुझे दे दीजिए ।

MR. CHAIRMAN : The hon. Minister has to speak. After that, the mover will have to give a reply. I don't think it is possible for me to extend the time of the House by an hour. But in view of the opinions of the House, I think it will be better to extend it by half-an-hour; by six O'clock, it should be over. Is it the pleasure of the House to extend the time of the House by half-an-hour?

SEVERAL HON. MEMBERS :
Yes.

SHRI JYOTIRMOY BOSU : When you have put it for the pleasure of the House, naturally I have to move my amendment. My amendment is that I should be allowed to move this motion and both the resolutions will go in the next session.

MR. CHAIRMAN : You had already raised it and it was ruled out.

SHRI JYOTIRMOY BOSU
Not ruled out.

MR. CHAIRMAN : Do not waste the time of the House. It is not proper. Now I will call Mr. Vasant Sathe.

SHRI JOYTIRMOY BOSU : No, Sir. I have to move it.

MR. CHAIRMAN : Please co-operate with me. I will hear you after that.

SHRI JYOTIRMOY BOSU : Thank you Mr. Chairman.

SHRI VASANT SATHE (Akola) : Mr. Chairman, I will be very brief and deal with the points only. The first and the foremost point is that the second chamber was created for major States. Ours is more or less a sub-continent. We were a nation; we became a nation only after Independence. During the 5000 years of history, we were never a nation. While framing the Constitution, therefore, when you look at the extent of this country, you will find that there was one Constitution for the whole nation. But States like Madhya Pradesh, Uttar Pradesh, Bihar, Maharashtra and Tamilnadu, these were, if you compare them with Europe, nations in themselves so big States. Therefore, you will remember that in the Constitution, under Article 168, the second chamber was provided on the same basis as the Rajya Sabha is here more or less in these States as well.

Now the criticism is that this Second Chamber, although meant for special interests, is not really representative of those special interests. If there is a lacuna, if you want that special interests in terms of trade unions or backward classes or primary teachers or any other interests, should be represented, that can be provided for by an amendment. You do not cut your nose to spite the face. You cannot throw away the baby with bath-water. You cannot say that, because there is some lacuna in the working, the system itself is bad. Therefore, this argument does not hold ground.

Then I come to the next point. We have article 169 which provides as to who will abolish the Legislative Council in the State. That right has been given to the States; it is the Assembly in the State which, by a majority of the total membership of the Assembly and by a two-third majority of the members present and voting, can abolish the Legislative Council. The Assembly Members represent the people of those States. Unlike the Lok Sabha Members who are elected on some national platform or issues, State interests in greater depth or details are represented by the Members of the Assembly. If they think that the Council in that State should not be there, it is for them to abolish. You have provided that it is the Assemblies which will decide that, and some States like West Bengal have already done it. Why do you want to usurp that right of Assemblies by seeking to amend the Constitution as suggested here? By changing articles 168 and 169 you want to take the power in your own hands! That will be most undemocratic.

The last point is this. Very often this phrase is quoted: if the Upper Chamber agrees, it is superfluous and if it does not, then it is pernicious. It is like a marriage. I do not say who is he or she here. We can call ourselves a 'he', and the Upper Chamber is like, say, wife. If the wife agrees with you, she is superfluous, and if she does not agree with you, she is pernicious and mischievous. What will life be then? Similarly, it applies here also. Let us not think in terms of abolishing the Second Chamber. They are playing a useful role. If you want to make some amendment to have greater representation, do it. In a huff, I find, the Members of the Janata Party are taking a very narrow view of things. The narrow view is that you are in majority in Lok Sabha. The States where the Second Chamber remains now are Maharashtra, Karnataka, Andhra Pradesh, Tamil Nadu. You do not have control there. You do not think that those Assemblies will cooperate with you. Therefore, you want to take the right in your hands here by going to the extent of amending the Constitution. You think that a few people there do not have the wisdom to arbitrate on what we do here as Mr. Nahata said. In that case, how can five judges in the Supreme Court sit in judgement over the law that we make here and set it aside? How is it that you accept that? Therefore, this logic is fallacious.

I hope, the learned Law Minister, apart from the fact that he belongs to the Upper House—that is a different matter; that is not to be taken into consideration here—will never agree to usurp the Constitutional right of the States

abrogate it and take the power, by Constitutional amendment, in the hands of Parliament.

With these words, I oppose the Resolution moved by Shri Ramji Singh Soman.

SHRI JYOTIRMOY BOSU: Mr. Chairman, the assurance that you were kind enough to give....

MR. CHAIRMAN: No, no; I said, after all these things, I will hear you.

SHRI JYOTIRMOY BOSU: Mr. Chairman, there is a unique situation today, that both the Resolutions can be saved.

MR. CHAIRMAN: Let us finish this thing.

SHRI B. P. MANDAL: Thank you, Mr. Chairman, for giving me an opportunity to speak. I also thank the Hon. Member for giving us this chance to express our views on this vital issue of the second Chamber in the States.

I am of the view that the second Chamber in the States is worthless. The Constitution provides for the abolition of the second Chamber. Art. 169 of the Constitution provides for the abolition of the second Chamber but, then, Sir, it is very cumbersome. The Uttar Pradesh Vidhan Sabha, by a 2/3 majority, passed a resolution—moved by friend sitting at my side long, long ago in 1973—recommending the abolition of the second Chamber, but Parliament sat on it. In Bihar, during the time of the Fourth Lok Sabha, the Bihar Legislative Assembly, also by a 2/3 majority, passed a resolution for the abolition of the second Chamber, but nothing was done. Only in the case of West Bengal and Punjab, when the West Bengal Legislative Assembly and the Punjab Legislative Assembly passed a resolution by 2/3 majority, the West Bengal Legislative Council and the Punjab Legislative Council were abolished. As a matter of fact, the second Chamber does not serve any purpose. Who are represented there? Teachers are represented and then, what happens is that they remain teachers in the schools and colleges and they remain Members of the Council, and they never attend their colleges or schools and the studies of the boys suffer. There is no representative character in the States second Chambers. This is outside the scope of the Resolution regarding the Rajya Sabha, but because several Members have spoken about it, I may also express my feelings....

SHRI VASANT SATHE: What about our friend here in the Lok Sabha? Does he attend his classes?

SHRI B. P. MANDAL: He must have resigned from there.

Now, had the Second Chamber been on the pattern of U.S.A. and had representation in the second chamber been with the support of the electors of the State, that would have carried some sense—like the Senate in America. That is formed by election, every State, big or small, being represented by an equal number. But here, that is not the case. What happens generally? Some multi-millionaire comes down from Calcutta or Bombay or some big place to our State or other States and purchases votes. They purchase votes and corrupt the legislators. What is the necessity of keeping the Legislative Council? I don't understand it. So, Art. 169 should be suitably amended: not that, for the purpose of abolition of the second chamber i.e. the Legislative Council, 2/3 majority of the Assembly will be required and then the Parliament will sit over it, but our Government will do well to take some progressive measure. Although our Law Minister comes from the other House, he is reasonable enough. It is not a question of that House but it is a question of the State Legislative Council. I expect that, being an eminent lawyer, he will realise the futility of continuing the Legislative Councils in the States. I would request him to kindly take some progressive measures and not to work on the same lines as our predecessors were doing.

Mr. Sathe was saying that we brought this because we are from the Janata Party and we have no majority in Andhra Pradesh, and this and that. But, it was a private Member's Resolution. It was not the view of the Government. We should rise above the Party politics while considering such questions. Therefore, before sitting, I will again request the Law Minister to give due consideration to this question and do away with the second chambers at least in the States.

MR. CHAIRMAN: Shri Bedabrata Barua.

SHRI K. T. KOSALRAM: You are extending the time; what about my resolution?

MR. CHAIRMAN: It was the pleasure of the House. What can I do? I appreciate your anxiety, but the difficulty is that it is not in my hands. When the House expresses its pleasure to extend the

time, I cannot do anything. Your resolution is important, I know, but at the same time you must appreciate the importance of this resolution.

SHRI JYOTIRMOY BOSU: I am also queuing after Shri Kosalram.

MR. CHAIRMAN: Shri Bedabrata Barua. Only two minutes.

SHRI BEDABRATA BARUA (Kaliabor): Mr. Chairman, Sir, it is good that the question of abolition of Rajya Sabha is not being discussed; that would be a futile exercise, because nothing short of a new Constitution could really abolish the Rajya Sabha, since the abolition of the Rajya Sabha under the present Constitution require two-thirds majority in the Rajya Sabha itself for its own suicide. We are discussing the question about the abolition of the Legislative Councils in the States. I think, they have existed too long. The power has been given to the State Assemblies to create these Councils. There is certainly no principle on which the second chamber could be constituted. In fact, there are few States in the world, where for the federating units of the States, what to talk of two chambers, they have not got even one chamber. There should not, in any case, be a second chamber particularly when it reflects nothing but the same political process. It is the same political process, the same type of political patronage. It is mere politicalisation of the sectors which will be better left non-politicalised. To introduce too much politics in each profession or anywhere is not the right step. There is hardly any question of the second chamber being representative of the various interests in this country. The only thing that we should take care of is the interest of the down-trodden people; sixty percent of whom are below the poverty line. To speak in terms of institutional interests is to scuttle the democratic process which has not even started. The process which expresses the will of the vast majority of the people has not even started in spite of our having the institutions of democracy. In any case, institutions like those of teachers and others could find their expression today. It is not the England of 17th or 18th century, in the twentieth century in India, institutional expression is possible without their presence in the legislatures. In fact, any institution worth the name, whether it is academic or any other institution would never think freely, if they are under the Party whip. Introduction of the second chamber does not make any sense at all. These have existed too long. It is only due to sheer inertia or sheer vested interests of the politicians that we have continued these institutions. The only thing is that, in our process, not always, many people

could come into the Parliaments and Assemblies and sometimes do need and I think it is a problem for the government to get people through the second Chambers. I think some other arrangement could possibly be thought of and I do not think that could not be thought of. That is also true because, for example, the hon. Law Minister is certainly a good Law Minister considering the state of affairs and he would not have been here unless the Rajya Sabha was there. I think there could be in the political process some way of getting people who have got ability and who could come in through the electoral process. In India, particularly, there is no alternative in the electoral process although it is ridden by caste and other influences, I do not see any other process through which to constitute any body in response to the will of the people.

MR. CHAIRMAN : I will have to call the hon. Minister because there is no time.

श्री राम बिलास पासवान (हाजीपुर) : मेरा नाम पहले था, मुझे भी दो मिनट का समय दीजिए ।

सभापति महोदय : मंडल साहब ने भी अपना नाम पहले दिया था ।

श्री राम बिलास पासवान : मैं दो मिनट में अपनी बात कह दूंगा ।

सभापति महोदय : प्रच्छा प्राप्त बोलिये, लेकिन दो मिनट में खत्म कर दीजिए ।

श्री राम बिलास पासवान (हाजीपुर) : सभापति महोदय, एक कहावत है हम लोगों की तरफ कि न मरेंगे, न मरघट छोड़ेंगे । न तो स्वयं मरेंगे और न मरघट छोड़ेंगे । जिस समय कांस्टीट्यूशन बन रहा था और उस में यह लाया जा रहा था कि कौंसिल रहे या न रहे उस समय की डिबेट्स की मैं प्रती देख रहा था, मैंने यह पाया कि उस समय डा० प्रम्बेडकर जी, जिन्होंने स्वयं इस को मूव किया था, के दिमाग में भी यह दुविधा थी कि इस को करना चाहिए या नहीं और हमारे कामत जी और श्री गिम्बन साल सक्सेना और ऐसे तमाम लोगों के भाषण मैंने पढ़े तो उन में यह पाया कि उन की स्पष्ट राय थी कि यह नहीं होना चाहिए और इसी कारण डा० प्रम्बेडकर जी ने कहा था कि ठीक है इस को फार बी बिल्ली बिल बेसिस पर कर दिया जाए, लेकिन बाय न गवर्नमेंट चाहे या पार्लियामेंट इस को खत्म करना चाहे, तो खत्म कर सकती है । बिहार और उत्तर प्रदेश में भी वहाँ की परिषदों को खत्म करने के रेजोल्यूशन्स प्राप्त हुए थे । इस को खत्म न करने के लिए तीन तर्क दिये जाते हैं । पहली चीज तो यह कही जाती है कि देश में ऐसी परम्परा है । दूसरा तर्क यह दिया जाता है कि जो लोग चुन कर नहीं आ सकते, उन

के लिए इस में गुंजाइश रखी जाए और तीसरा तर्क यह दिया जाता है कि यह चूक करने का एक हथियार है । मेरा कहना यह है कि तमाम चीजें पार्लियामेंट के सामने आ जाती हैं । इसलिए इन तीनों की तीनों चीजों में कोई दम नहीं है और ये बेसलीस हैं और इस में बिना माइने समय खर्च होता है और बिना माइने खर्चा भी सरकार का होता है । इस के अलावा यह एक पार्लियामेंट हथियार है । प्राय भी हमारे कुछ उधर के साथी इस को रखने के पक्ष में बोल रहे थे क्योंकि उन का राज्य सभा में और विधान परिषदों में बहुमत है । इसलिए हमारे माटे साहब इस प्रस्ताव के खिलाफ बोल रहे थे और वे विधान परिषदों के पक्ष में थे लेकिन कुछ दिनों के बाद जब राज्य सभा में और विधान परिषदों में हमारा बहुमत हो जाएगा, तो यही बिपक्ष के लोग उस समय यह कहेंगे कि यह गलत है और यह पार्लियामेंट हथियार है । इसलिए मेरा कहना यह है कि इस को न इस पक्ष का हथियार बनाया जाए और न उस पक्ष का और न्यूट्रल दृष्टि से इस हाऊस को इस पर विचार करना चाहिए और यह जो प्रस्ताव है, इस को मानना चाहिए कि विधान परिषदों को खत्म किया जाए । मैं तो यह भी कहूँगा कि राज्य सभा को भी खत्म किया जाए और जो गवर्नर बर्गराह हैं, जितनी भी ऐसी एक्सपेरिंस चीजें हैं, उन को खत्म किया जाए और इन के खत्म करने पर जो पैसा खर्चे, वह गांवों में गरीबों पर, निर्धनों पर, कमजोर वर्गों और हरिजनों पर खर्च किया जाए ।

इसलिए मैं श्री रामजी लाल मुयन जी को इस प्रस्ताव के लाने के लिए धन्यवाद देता हूँ और उन के बिल का समर्थन करता हूँ और प्राय को भी धन्यवाद देता हूँ कि प्राय ने मुझे बोलने का मौका दिया ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) : I believe that the purpose of bringing this resolution which the mover of the resolution must have had in his mind has already been served because many resolutions are moved only for the purpose of initiating a discussion on certain important issues in the country and I think that purpose has been very well served by the discussion which has taken place.

Evidently on an important issue like this there is bound to be a divergence of opinion and there has been a divergence of opinion from the very beginning on this issue, even when the matter was being discussed in the Constituent Assembly.

The Constituent Assembly consisted of people who could legitimately claim to represent the people because they had been elected by the process of direct elections

[Shri Shanti Bhushan]

and not by the process of that indirect election which has been characterised by some of the hon. Members as completely undemocratic. Now, to that I will refer a little later. Even at that stage it was decided that let the people elected to the Constituent Assembly from different States decide for themselves whether they want to have a second Chamber in their own States. That was the methodology that was applied in order to take a decision and finalise the appropriate provisions of the Constitution.

After having heard all these various eloquent speeches which have been made from different sections of the House expressing different views, I find myself in the situation of that person who had to listen to two learned gentlemen expressing divergent views. So, when, the first gentleman said something, he said you seem to be right. When the other person said just the contrary, he said you are right! The third person who was listening to both of them said 'but they have expressed contradictory views, how can both be right?' He said 'you are also right'.

When I read the Resolution, for the first time having read only a part of it which referred to the abolition of the Upper House, I almost got a heart attack. I did not read that it was confined only to the Upper House in the States. I thought it also included the Upper House here in Parliament. When I was told that I would be called upon to reply to this debate or to intervene in this debate then I thought what would be the state of a person who is told and ordered to commit suicide and he is asked as to what did he say? The sentence is 'that you have to commit suicide, now or never'. I know what I have to say.

MR. CHAIRMAN: Not suicide, but to sign death warrant.

SHRI SHANTI BHUSHAN: I was very happy that at least one hon. Member made an offer. At least I am inclined to construe it as an offer. He said that so far as Law Minister was concerned he could contest to Lok Sabha from many constituencies and he would get elected.

I take it as an offer, if at any time the Upper House here is abolished then the hon. Member will vacate his seat for me,

Now while I would not venture to express an opinion....

SHRI SURENDRA BIKRAM: I offer to vacate my seat if the Upper House is abolished.

SHRI SHANTI BHUSHAN: If I venture to express any definite opinion on such a matter on which so many minds, very keen minds, are at divergence, I would like to just mention a few things, because one of the arguments which was used in favour of abolition of the Upper House—not that I am expressing an opinion as to whether the Upper House in the States should be abolished or not abolished—but one of the arguments which was used was that an election to the Upper House is undemocratic. Those who are elected to the Upper House obviously must be undemocratic people. They are rejected, dejected and all kinds of adjectives were there. What I would like to call attention to on this point is that while it is true that so far as Members of the lower House are concerned, they are obviously elected by a direct vote of the people. But so far as the people who are elected to the Upper House are concerned, it is difficult to say that they are not elected by a democratic process, may be that the election by which they happen to get elected is an indirect election. But then they represent the consensus of those who have the mandate....

Mr. CHAIRMAN: How much time will you take?

SHRI SHANTI BHUSHAN: I shall take another ten minutes or so.

MR. CHAIRMAN: Then you may continue afterwards, not now.

We have to take Half-An-Hour discussion.

SHRI JYOTIRMOY BOSU: Does the debate remain unconcluded?

MR. CHAIRMAN: Not concluded and he will have to continue.

SHRI JYOTIRMOY BOSU: Shri Kosalram will not be able to move the Resolution.

MR. CHAIRMAN: No body can. We take up Half-An-Hour discussion.