

his Bill and he has informed the Office about it. As Shri Dwivedy says if the House agrees, we can extend the time by one hour or else we can take one hour from the private Members' time because we cannot sit beyond 6 p. m.

AN HON. MEMBER : Why ?

MR. DEPUTY-SPEAKER : Who will guarantee quorum ? The Minister of Parliamentary Affairs is unable to ensure quorum.

SHRI SURENDERANATH DWIVEDY : The House will sit without quorum.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : The Government is anxious to see that the Bill is passed on account of the nature of the representations made to us by the West Bengal Government.

MR. DEPUTY-SPEAKER : We shall take this up on the understanding that it will be finished within one hour and there will be no more extensions.

SHRI P. RAMAMURTI : If the Swatantra Party wants to speak on it, let them speak for their time. They cannot compel others to have three hours for this Bill.

MR. DEPUTY-SPEAKER : Only half an hour for this side, and half an hour for the Government.

SHRI GOVINDA MENON : Less than that. We want only 15 minutes.

SHRI RABI RAY : Yes ; that is definite.

SHRI P. RAMAMURTI : We will take just five minutes each.

SHRI GOVINDA MENON : Mr. Deputy-Speaker, Sir, I beg to move—

SHRI GADILINGANA GOWD (Kurnool) : Sir, I am not agreeable to this. The Business Advisory Committee has allotted three hours for this. I object to this procedure. Let the House divide. (*Interruptions*).

MR. DEPUTY-SPEAKER : He wants division at this stage, whether time should

be given or not. If even one Member objects how can we take it up ?

SHRI S. KANDAPPAN : The Business Advisory Committee make its decision and that is being approved by this House. But the House is the final authority. If they feel so, they may change the decision of the Business Advisory Committee. In this case three hours have been allotted. Whatever is due to the Swatantra party out of the three hours, let them take it. We are prepared to give up our time. On the score that sufficient time is not available, they need not drop the Bill. From my side, I am prepared to assure the House that we are not anxious to speak at all ; we all support the Bill unanimously.

SHRI RABI RAY : Unanimously pass it.

MR. DEPUTY-SPEAKER : So it is agreed ; we are starting it at 3.17, and at 4.17 this business will be completed.

15.17 hrs.

WEST BENGAL LEGISLATIVE COUNCIL (ABOLITION) BILL

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : Sir, I beg to move :

“That the Bill to provide for the abolition of the Legislative Council of the State of West Bengal and for matter supplemental, incidental and consequential thereto, be taken into consideration.”

As I said, on the 21st March this year, the Legislative Assembly of West Bengal unanimously passed a resolution on that their legislative Council should be abolished. As soon as that information was received here, Members of this House did raise the question whether the Government of India will be prepared to move the appropriate motion for the purpose of implementing the decision of the West Bengal Legislative Assembly. Two hon. Members of the House, Shri Indrajit Gupta and Shri Rabi Ray particularly, asked whe-

[Shri Govinda Menon]

ther the Bill would be brought in this session of the House. The Minister of Parliamentary Affairs, West Bengal Government, Mr. Jatin Chakravarti, specially came over to Delhi ..

SHRI S. KANDAPPAN (Mettur) : All this is unnecessary.

SHRI GOVINDA MENON : That is why we are in a hurry. Now, the matter is clear. In article 169 of the Constitution, it is stated that if this resolution is passed by the Legislative Assembly, then it is open to Parliament to pass the Bill. No constitutional amendment is necessary. This Bill has been brought accordingly, and I hope entire House will support the Bill.

15.19 hrs.

[**SHRI GADILINGANA GOWD in the Chair**]

MR. CHAIRMAN : Motion moved :

"That the Bill to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and consequential thereto, be taken into consideration."

SHRI J. MOHAMED IMAM (Chitradurga) : Mr. Chairman, Sir, I feel it to be my duty and also the duty of the party which I represent to oppose this Bill which is proposed to be rushed through, and the Government is not prepared to allot sufficient time to discuss the implications of the passing of this Bill. In the first place, it seems some alliance has been made between the Congress Party and the communist party of West Bengal and they seem to have come to an understanding as a result of private agreement to abolish the West Bengal Legislative Council. This is the first time that Parliament is abolishing a duly constituted Legislative Council under the Constitution. This will be precedent for the future and Government should carefully find out its implications and consequences. In my opinion, the consequences may be injurious.

After due care and deliberation, the framers of the Constitution have provided a second Chamber at the Centre and in the States. Their object was, since we are following a parliamentary system of democracy, it is necessary to have a revising body

as a sort of check, i.e. the House of the Elders. The idea was that by the existence of bi-cameral legislature, there would be an effective, intimate and continuous influence of the will of the people on the affairs and conduct of Government. By way of abundant caution, bi-cameral legislature was provided by the framers of the Constitution. This provision is more or less mandatory. Article 72 says that there shall be an Upper House called the Council of States. Article 162 lays down that there shall be a Legislative Council for each State, though in certain circumstances, this Council may be abolished. Anyhow, the Constitution has more or less laid down that existence of the Upper Houses is mandatory. That is why Legislative Council were created in a number of States. Till now they have been working very well. In Bengal also, the Council was in existence right from the very beginning and for the last 20 years, it has been functioning well, I must say.

Bi-cameral legislature is absolutely necessary in a parliamentary system of democracy. Many countries wedded to parliamentary democracy are having bi-cameral legislatures. England, America, Switzerland, Netherlands and I think almost all countries in the Commonwealth are having a bi-cameral legislature.

In England, the Upper Houses which is the House of Lords has been in existence for countries and those people, who are so much wedded to democratic ideas, have found it absolutely necessary to retain the Upper House. You may remember, Sir, when a socialist government under Mr. Atlee came into being in the year 1951 or 1952 a Bill was introduced to abolish the House of Lords but the entire country resisted that move. They said that there must be an Upper House to act as a check on the vagaries of the Lower House or otherwise it will adopt dictatorship.

So in a parliamentary system of government where the Government is carried on by a majority party, to act as a sort of check the existence of an Upper House is absolutely essential.

What is the role of the Upper House ? It acts as a revising body. It acts as a check on the Lower House. It is called a House of elders, a House of experts, House

of people who are with experience. They are supposed to be unbiased and free from party prejudices. They are expected to give an unbiased and fair opinion for the guidance of the Lower House. That is the part that they have to play.

Now, if you take away the Upper House the Lower House becomes absolutely unfettered. It is true the Lower House enjoys greater power, but if there is no Upper House it can go on unfettered and become dictatorial.

SHRI YOGEGDRA SHARMA (Begu-sarai) : Against the lords ?

SHRI J. MOHAMED IMAM : No ; against the people. We are a democratic country. What is democracy ? Democracy means it is the will of the people that rules over the country, it is the will of the people that is supreme and sovereign and Parliament is only an institution which is to carry out the will of the people. Without a Legislative Council, in a democracy there is every possibility of the legislative assembly becoming dictatorial: Not only dictatorial, there is every possibility that this House may develop by virtue of its majority into a tyrannical body. Tyranny by majority is worse than tyranny by an individual, and democracy may degenerate to tyrannical rule or it may degenerate to mobocracy. Democracy is not a caucus or a body where a group of people, however eminent that may be, in whatever way they may be elected, hold office for a fixed term and do as they please. They may say, we are in a majority and we will do as we are doing. That is the main drawback in a system of parliamentary system of government. By virtue of their majority they are not at all responsive to the views of other parties. They say, we are in a majority and as such we exercise the divine right of the majority. So, to check this dictatorship, the authors of the Constitution said to give a healthy balance, to reverse their decisions, to lead them in the right path, it is necessary that there is an Upper House and the Upper House was created in the interest of democracy.

Now the Central Government say that they have been pressurized by the West Bengal Government to abolish the Upper House. Perhaps, they have not taken into

consideration the pros and cons, the effect of it. The West Bengal Government want the abolition of a body which was in existence for that twenty years. What is the reason ? In the last elections a particular party has been flushed with electoral success and it is dominating the West Bengal Legislative Assembly. That party is not wedded to either democracy or the parliamentary system of government. It wants to follow a dictatorial rule for which it finds the Upper house an inconvenient obstacle.

SHRI S. M. BANERJEE (Kanpur) : Sir, I rise on a point of order.

MR. CHAIRMAN : Under what rule ?

SHRI S. M. BANERJEE : Rule 376, which relates to the business before the House. We are discussing a Bill for the abolition of the Upper House in West Bengal. The hon. Member, Shri Imam, for whom I have great regard, was just telling us—I have heard him with great patience—that a particular party or parties in the United Front Government, which are not wedded to democracy have formed the government. Sir, we have fought the elections under the Constitution which is based on parliamentary democracy. This is an aspersion on a particular State Government, which is wrong.

MR. CHAIRMAN : He may say so during his speech.

Shri J. MOHAMED IMAM : I am not casting any aspersion on any Government. In West Bengal a situation has arisen where the two parts of the Legislature, the Upper House and Lower House are guided by two different parties. The Upper House perhaps consists of people who are elderly people who do not subscribe to the creed and ideology which is believed in by the members of the Lower House. Perhaps, in the Upper House there are people who do not subscribe to the creed and ideologies of foreign government. That is why the Lower House find the Upper House an inconvenient institution in their way and that is why they want to abolish it.

If it is abolished, what will be the result ? Then the Legislative Assembly, whose ideology many of us do not approve

[Shri J. Mohammad Imām]

of, will become an arbitrary institution. There will be tyranny by the majority. No doubt, democracy is a good form of government. But we must admit that every form of government has its own inherent weakness and the greatest drawback of democracy is tyrannical rule the temptation for which the majority party cannot resist.

In my opinion, they want to abolish the Upper House because they want to do away with all those people who are standing in their way; even though they have served the country for the last twenty years, they are seeking to dismiss them rather mercilessly. After having succeeded in this game of dismissing them, suppose, after six months they pass another resolution to restore the Legislative Council. What will be the reaction of the Central Government? Under the Constitution, if the Legislative Assembly of a particular State passes a resolution seeking the abolition of the Legislative Council, Parliament may abolish it by necessary legislation. If the same Legislative Assembly, after six months, passes another resolution seeking the creation of the Legislative Council and sends it here, you are bound to accept that and pass a legislation for creating the Legislative Council. So, all these are very important implications which have far-reaching consequences.

I do not, certainly, approve of the Government of India to be so easily guided and to be so easily influenced by the Government of West Bengal to accept the resolution. After all, it is not mandatory; it is not binding on you to accept the resolution. The Constitution only says, they shall pass a resolution and the Government of India may abolish or may not abolish the Council. I only regret that, at this juncture, taking into consideration the political set-up, taking into consideration the future of the country and taking into consideration the dangerous that the country is encountering, the Government of India is in such a hurry to accept a resolution sponsored by the communist Government. I can only say this much that they have laid a trap and we are walking into it.

श्री श्रीचन्द्र गोयल (चण्डीगढ़) : सभापति जी मैं विधि मंत्री को बर्बाद देना चाहता हूँ

कि उन्होंने आज बड़े साहस के साथ जन भावनाओं की कद्र की है। बंगाल सरकार की तरफ से, वहाँ की विधान सभा की तरफ से जो प्रस्ताव सर्वसम्मति से पास करके भेजा गया उसकी भावना की कद्र करते हुए आज इसी सत्र में इस प्रस्ताव को पास किया जाये, ऐसी ब्यवस्था की गई। व्यक्तिगत रूप से स्वयं दो बार मैं विधान परिषद् का सदस्य रहा हूँ। मैं उन में से नहीं हूँ जो कि यह कहते हैं कि विधान परिषद् बिल्कुल पूरे तौर पर नाकारा अथवा अनुपयोगी संस्था रही है। कुछ न कुछ उपयोगी कार्य समय समय पर उन्होंने किये हैं। अनेकों बार बिलों के अन्दर वहाँ पर उचित और आवश्यक संशोधन भी किये गए हैं। जिस दल से मैं संबंध रखता हूँ उस दल की प्रारम्भ से ही यह नीति रही है कि सरकारी खर्चों में कमी करने के लिए हमें विधान परिषदों को और यहाँ पर राज्य सभा को समाप्त करना चाहिए क्योंकि आज के इस युग में इतनी भारी भरकम संस्थायें बनाकर उन पर जितना खर्चा किया जाता है उसके अनुपात में उनकी उतनी उपयोगिता नहीं है। आज बंगाल और पंजाब की गैर-कांग्रेसी सरकारों ने यह साहस किया और समय की नजाकत को पहचान कर यह प्रस्ताव पास करके यहाँ पर भेजा जो कि कांग्रेसी सरकार पिछले 17 सालों में भी नहीं कर पाई। विरोधी दलों ने एक रास्ता दिखाया है और मैं समझता हूँ कि बाकी प्रदेशों में भी जो विधान समायें हैं वह भी इससे सबक लेकर इसी प्रकार का कार्य करेंगी। इसके साथ साथ मैं यह भी कहना चाहता हूँ कि इसमें मेरा दृष्टिकोण व्यक्तिगत नहीं है क्योंकि आज महा-राष्ट्र के अन्दर विधान सभा में हमारा उतना प्रतिनिधित्व नहीं है जितना कि विधान परिषद् में है। आंध्र की विधान परिषद् में हमारा प्रतिनिधित्व है, मैसूर के अन्दर भी हमारी यही स्थिति है लेकिन व्यक्तिगत दृष्टिकोण से हम इन चीजों पर विचार नहीं करते बल्कि राष्ट्रीय हित से विचार करते हैं और हम यह समझते

हैं कि आज जितना इनके ऊपर खर्चा होता है उसके अनुपात में उनकी उतनी उपयोगिता नहीं है।

इसके साथ साथ मैं यह भी कहना चाहता हूँ कि आज सारे देश के अन्दर इस सिलसिले में एक यूनिफ़ॉर्म पालिसी भी नहीं चल रही है। मध्य प्रदेश और दूसरे प्रान्तों के अन्दर आज विधान परिषदें नहीं हैं जब कि उनकी तुलना में जो छोटे छोटे राज्य हैं जैसे पंजाब, वहाँ पर विधान परिषद् है। मेरे दोस्त इमाम साहब कह रहे थे कि सेकेन्ड चैम्बर, विधान परिषदों का यही उद्देश्य था कि विधान सभाओं की कार्यवाही के ऊपर एक प्रकार से वे निगरानी रख सकें। इसमें ज्यादा आयु के, अनुभवी और विशेषज्ञ लोग हों लेकिन पिछले 17 सालों में हमने देखा है, विधान परिषदों का जो कम्पोजिशन है उसको देखकर हम कह सकते हैं कि विधान सभाओं में जो कांग्रेस के लोग हार जाते हैं या जिनको कहीं स्थान नहीं मिलता उन्हीं लोगों को ज्यादातर विधान परिषदों में स्थान दिये गए हैं। चूँकि विधान परिषदों का चुनाव डायरेक्ट नहीं है इसलिए कांग्रेस ने उस का दुर्लभयोग किया—यहाँ तक कि जो नामिनेटेड सदस्य आते हैं वह भी कोई विशेषज्ञ नहीं होते बल्कि जो कांग्रेस के हारे हुए लोग होते हैं उन्हीं को इसके अन्दर स्थान दिया जाता है। इसके साथ साथ मैं यह कहना चाहूँगा कि मैंने भी कुछ अपने संशोधन दिये थे परन्तु शायद वह संशोधन स्वीकार नहीं हो सकते थे। मैंने यह कहा था कि पंजाब विधान सभा ने भी सर्व सम्मत ने यह प्रस्ताव पास किया है, आज पंजाब के अन्दर जो वहाँ के वित्त मंत्री हैं वह जनसंघ के सदस्य हैं और दूसरे नम्बर पर कांग्रेस के बाद हमारी वहाँ पर संख्या है, लेकिन जब विधान सभा के अन्दर यह प्रस्ताव आया तो जनसंघ के हर एक मेम्बर ने उपस्थित रह कर इस प्रस्ताव के पक्ष में मतदान किया। इसलिए

जब पंजाब विधान सभा से भी यहाँ प्रस्ताव आ चुका है और एक स्पेशल मैसेन्जर द्वारा प्रस्ताव भेजा था तो मैं जामना चाहता हूँ कि इकठ्ठा बिल क्यों नहीं लाया गया जिस से पंजाब विधान परिषद् को भी हम समाप्त करते। अकेले बंगाल के लिए बिल लाकर पंजाब के लिए फिर मौका रख दिया जो कांग्रेस का प्रभाव समाप्त हो रहा है ...

SHRI GOVINDA MENON : We have not received that Resolution.

श्री श्रीचन्द्र गोयल : स्पेशल मैसेन्जर के जरिये भेजा है। दोनों जगहों की विधान परिषद् को समाप्त करने का एक बिल लाना चाहिये था। मैं उम्मीद करता हूँ कि अगले सत्र में पहले ही मंत्री जी विधेयक लायेंगे और वहाँ की विधान सभा की भावनाओं की भी कद्र करेंगे।

SHRI S. M. BANERJEE (Kanpur) : I rise to congratulate the People's Government of West Bengal for having passed that Resolution and send it to the Government of India for its implementation.

My hon. friend, who spoke for the Swatantra Party, Mr. Imam, attributed certain motives to the U. F. Government of West Bengal. He said that they are not wedded to democracy. He went further and also said that they believe in the ideology of some foreign countries and that is why they were not in favour of the Upper House. I still feel that the Upper House was created in this country to rehabilitate politically some people and it has been proved beyond doubt. This has also given rise to corruption. We have seen the big business houses being represented in the Upper House. We know what is happening about the other House. Anybody who can spend Rs. 3 lakhs can easily go there. But here, even after spending money, we are defeated. That is why we are the true representatives of the people. We need not care for what Swatantra Party feels about it. In West Bengal they are neither in the Upper House and nor in the Lower House and not even underground. They are not seen in the streets of Calcutta,

[Shri S. M. Banerjee]

in West Bengal. This is without any aspersion to the Chair...

MR. CHAIRMAN : When I am in the Chair, I do not belong to any Party.

SHRI S. M. BANERJEE : I feel that the Congress Government in power here should ask their counterparts in other States to follow this and abolish the Councils there. After all, Upper House is not an Employment Exchange.

एक माननीय सदस्य : आप अनएम्प्लायमेंट क्रीएट करना चाहते हैं ।

SHRI S. M. BANERJEE : I would ask the hon. Member either to speak correctly or to rise and speak.

मैं चाहता हूँ कि अगर हाउस अबालिश कर दिया जाय और यहां पर राज्य सभा को अबालिश कर दिया जाय ।

मेरा एक संशोधन है और वह यह है कि page 1, line 6, add at the end 'In the consultation of the State Government of West Bengal' तो मैं चाहता हूँ कि इन कनसल्टेशन विद दी वेस्ट बंगाल गवर्नमेंट होना चाहिये । वह प्रस्ताव लाये थे और जिसको इन को मानना पड़ा । इसलिए मैं सम्भ्रता हूँ कि वह डेट जो तय की जाय वह इन कनसल्टेशन विद दी वेस्ट बंगाल गवर्नमेंट होना चाहिये । और मैं बघाई देना चाहता हूँ उस सरकार की जिसने कांग्रेस का जनाजा वहां से निकाल दिया, स्वतंत्र पार्टी का जन्म नहीं होने दिया ।

श्री रणधीर सिंह (रोहतक) : आप का जनाजा निकल जाएगा ।

श्री स० मो० बनर्जी : मेरा जनाजा जिस दिन निकलेगा घूम घाम से निकलेगा । मेरा जनाजा नहीं निकलेगा । मैं कहना चाहता हूँ कि लैफ्ट पार्टीज के खिलाफ अगर वह चाहते हैं कि विदेशी बातें न आये, पार्लियामेन्ट्री डेमोक्रेसी.....

SHRI S. XAVIER (Tirunelveli) : On a point of order, Sir. Shri Banerjee began his speech in English. Half way through he switched over to Hindi. I do not think there is any procedure to begin in English and then proceed in Hindi.

MR. CHAIRMAN : I do not think there is any point of order.

SHRI S. XAVIER : He must speak in one language. What is the ruling ?

SHRI J. MOHAMED IMAM : Why not Mr Banerjee migrate to West Bengal from Kanpur ?

SHRI S. M. BANERJEE : I represent a State called UP which has elected a Bengali thrice. I am proud of my State where there is no provincialism. I hope other States follow it,

I once again congratulate the West Bengal Government and I feel that they may go on taking this progressive legislation and take a decision not caring anything for the ruling Party, the Congress or the reactionary Party like the Swatantra Party.

MR. CHAIRMAN : Shrimati Ila Palchoudhuri.

SHRI S. KANDAPPAN : Why are you asking members who are not willing to speak ?

MR. CHAIRMAN : Shri Jyotirmoy Basu.

SHRI JOYTIRMOY BASU (Diamond Harbour) : I rise to heartily congratulate the people's Government of West Bengal for this move. This people's Government, whatever promise they gave in the election manifesto, as soon as they came to power, they took no time in taking the matters on hand and as a result this Bill is here. I expect that the Bill will be passed in no time.

Members of the West Bengal Legislative Council who were elected years ago do not enjoy the confidence of the people. They have no right to be there. I also congratulate

late the Government of Punjab and the people of Punjab for a similar decision they have taken. I sincerely hope that their Bill also will come to this House at the earliest opportunity and will get through.

SHRI SAMAR GUHA (Contai) : Mr. Chairman, I have already at the introduction stage of the Bill congratulated West Bengal for the bold lead they have given to the country. I would only say that the West Bengal Government has acted on the advice that was given by Mahatma Gandhi in 1931. It was a very interesting observation made by Gandhiji. At the Round Table Conference he opposed the idea of Second Chamber and observed :

“Personally I am of opinion that we can do with one chamber only and that we can do with it to great advantage. We will certainly save a great deal of expenses if we can bring ourselves to believe that we shall do with one Chamber.”

On the basis of this advice of Gandhiji, P.S.P. leader, Shri Surendranath Dwivedy, brought a motion at the time of the Chinese aggression in 1952 when there was a great necessity in the whole country for economy, that all the second Chambers should be abolished and also suggested that states should be grouped together and there should be only one Governor. He also suggested that the number of Ministers should be cut down. Unfortunately at that time, even the basis of the considered view of Mahatma Gandhi, was not accepted by Pandit Jawaharlal Nehru, rather treated these suggestions in rash way and he rejected the motion of Shri Dwivedy. Panditji said, while opposing Shri Dwivedy motion :

Demolishing or trying to demolish the Second Chambers would encourage a very wrong tendency in the country as if Second Chambers are useless ; let them go.

At that time Panditji did not accept that motion of Shri Dwivedy.

Now, I congratulate the West Bengal Government. They have adopted this on Gandhian lines. This will strengthen democracy because there will be not indirect

representation, but only direct representation, and this is the basic thing in democracy. In indirect election people are not directly involved but men of vested interests are surreptitiously brought in the legislature. Therefore, I congratulate the West Bengal Government for having brought forward this Bill. I also congratulate all the other political parties who have given solid support to the motion sponsored by the United Front Government of West Bengal. I have got two amendments. The Resolution says that the Legislative Council of West Bengal State is hereby abolished. This wording some impression that this Bill will be enacted but may in future be revived or whatever it is. Now there is majority of the Congress and it gives the impression that it is the wisdom of the Congress party which has brought over this Bill in this House, as if they have suggested the abolition of the West Bengal Legislative Council. Actually, this Bill was moved first in the West Bengal Assembly it was passed by that Assembly. For that reason I want certain references to be made that it was passed by the West Bengal Legislative Assembly.

I have another amendment. I have already said about this aspect. The West Bengal Government has already set a high standard, I should say, of democratic methods and democratic principles. I only hope that they would be setting another high standard if the Ministers belonging the Legislative Council voluntarily quit and then got elected to the Assembly.

SHRI B. K. DASCHOWDHURY (Cooch Behar) : I rise on a point of order. He said about his amendment.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : We are not considering the amendment.

MR. CHAIRMAN : Let us hear him.

SHRI B.K. DAS CHOWDHURY : Please read Rule 944 of the Rules of Procedure. It says that “An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.”

Sir, the Hon. Member has already referred to the first part of the amendment.

SHRI SURENDRANATH DWIVEDY :
There is no amendment.

SHRI B. K. DAS CHOWDHURY :
He mentions about the Council.

MR. CHAIRMAN : No amendment is moved. Perhaps you are misunderstanding the rule. You may please resume your seat.

SHRI B.K. DASCHOWDHURY : He referred to the Council of Ministers. That relates to the amendment.

MR. CHAIRMAN : No amendment has been moved.

SHRI SAMAR GUHA : If somebody feels that it is not within the scope of the Constitution, I am not going to move the amendment at all. I will conclude by saying that I would like to congratulate the West Bengal Legislative Assembly once again for the bold lead they have given to the country and Parliamentary democracy.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : Mr. Chairman, I am thankful to those members who supported this Bill. I find that only one member, Shri Mohamed Imam, was pleased to oppose this Bill. It is not as if Parliament here is surrendering its judgment to the West Bengal Government or to the West Bengal Assembly. The Resolution of the West Bengal Assembly with two-thirds majority—in this case unanimous—is only the condition precedent which will enable us to have a Parliamentary Bill under Article 169. But for that, it would have been a Constitutional amendment. Because of this Resolution, this House gets the authority to pass the Bill. But the decision is of this House. Let it be clearly understood. I say this because Shri Mohamed Imam used the expression "pressurisation by the West Bengal Government". I am sure that this House is not being pressurised by the West Bengal Government. This House and those who spoke are only understanding or appreciating the wisdom of the decision of the West Bengal Assembly. The two are different.

Speaking entirely for myself, Sir, I hold the view that Second Chambers are unneces-

sary, particularly in the States of India. That is my personal view.

AN HON. MEMBER : What about Raja Sabha ?

SHRI GOVINDA MENON : Raja Sabha is different because in a federal Constitution, it may be necessary to give representation to the States. For that there should be an Upper House here. That distinction is there. Lok Sabha represents the people of India. That is why even a voter in one State is enabled to go and stand for election in another State. But the Raja Sabha represents the States. That is why it is called the Raja Sabha.

SHRI YOGENDRA SHARMA : Are there States without people ?

SHRI GOVINDA MENON : I would also try to bring to your notice that whereas the representation in the Lok Sabha is proportional to the population of each State, the representation in the Raja Sabha—although it has not accepted the American principle of equal representation—has some weightage in favour of smaller States. In the Raja Sabha is involved the conception of federal representation at the Centre. Therefore, all the arguments that are advanced with respect to Second Chambers or Upper Houses in the States will not be completely applicable or applicable at all to the Raja Sabha here.

I said what my personal opinion was. Because West Bengal Assembly unanimously passed this Resolution, Government of India thought that their wishes should be respected and further a legislation should be passed as early as possible. The other day I pointed out that unless this is done now, it may cause some inconveniences to the people and the Government of West Bengal. Why should that inconvenience be caused ? For, the elections to the Council, according to the statute, are to take place in the next one or two months. Therefore, to elect people to the Upper House in West Bengal and then a month later to ask them to get out—of course, legally it is possible—is an inconvenience which we thought we should not impose on them.

16 hrs.

Therefore, I would once again submit that the House should adopt this Bill unanimously.

MR. CHAIRMAN : The question is :
 "That the Bill to provide for the abolition of the Legislative Council of the State of West Bengal and for matters supplemental, incidental and consequential thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : We shall now take up the clauses.

The question is :

"That clause 2 stand part of the Bill".

The motion was adopted.

*Clause 2 was added to the Bill.
 Clauses 3 to 6 were added to the Bill.*

Clauses 7 to 9 were added to the Bill.

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

SHRI GOVINDA MENON : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : Motion moved :

"That the Bill be passed."

SHRI SURENDRANATH DWIVEDI : I would say that today is a red-lettered day in our country. We have already started a process and I hope that all other Legislative Assemblies in the country will pass similar resolutions to abolish the second Chambers whenever they exist, and Parliament will be too glad to give its unanimous support as it has given to this Bill.

SHRI P. RAMAMURTI : At the final stage when the Bill is about to be passed, I

would only like to reply to some of the questions raised by my hon. friend from the Swatantra Party. He had stated that the reason behind this Bill was that the people were motivated by certain foreign ideologies. I would like to ask my hon. friend from the Swatantra Party which was the Indian ideology that gave birth to the Second Chambers? Is it found in the *Puranas* or the *Vedas* or the *shastras* or the *itihasas* or is it found in the *Koran*? Where is it found? The very idea of a Second Chamber was a British idea. In Great Britain in their struggle against the House of Lords which was not a democratic institution but which was an embodiment of the oligarchy, the people had to wrest power inch after inch from the House of Lords, and by suffernance it is there. Therefore, to say that the Second Chamber is a wonderful indigenous ideology betrays the facts of history. The people there wanted a certain chamber, a conservative chamber which would not represent the will of the people but still would have sovereign rights in order to obstruct progressive legislation by the will of the people.

We can very well understand, that all vested interests in this country will stand for some sort of conservative organisation like that.

The hon. Minister said that the Rajya Sabha stood on a different footing from the upper Chambers in the States. I do agree with him. But I would also like to point out one thing. If the States have got to be represented properly in the Rajya Sabha, if it should really be a House of the States, in that case, the kind of representation which is there now where bigger States have got larger representation will not give a sense of equality among all the States. Therefore, it is absolutely essential that the Constitution should be amended in order to make it really a House of the States and not a House of the States in name only. Therefore, I submit that equal representation must be given for all the States.

I do not want to say much at this time, but I would only hope that after this Bill receives the assent of this House, it will be an example which the other States would follow, and if the other States do not do so,

[Shri P. Ramamurti]

we can bring forward an amendment to the Constitution itself, or Government could give a lead and bring forward a constitutional amendment and abolish the upper Chambers in all the States.

SHRI S. KANDAPPAN : I should like to say only a few words. I am not able to reconcile myself to the Swatantra ideology of more autonomy to the States and their opposition to accept resolution than passed unanimously by the West Bengal Assembly without any dissent. Today, we see a phenomenon developing in the country; the tendency is to respect more and more the rights and sentiments of the States. There has been enough erosion of the rights of the States already, constitutional and unconstitutional. Therefore, now it is right for the Government to accept a unanimous resolution of the Government of West Bengal. There are other States which have upper chambers. We have still an upper chamber in our State. The DMC policy all along has been that the upper chamber is superfluous. After we come to power, due to various reasons which I have no time to elaborate now, we have not adopted such a resolution. Even today the majority in the upper chamber in my State is Congress. We retain it still because it serves some purpose... (An Hon. Member : Abolish it in Tamil Nadu also). Do not hustle us ; we shall take our own time and do it. When a State is keen on doing it, we must respect the sentiments and I congratulate the Minister for having done so.

To supplement the argument of Shri Ramamurti, the terms Lok Sabha and Rajya Sabha are somewhat misleading. If it is called Council of States as it is called in the Constitution, the whole picture of the Rajya Sabha is clear. That is what the Law Minister tried to make out. But it should be made more effective so that it really represents the States. I also appeal along with Mr. Ramamurti to consider the suggestion to give equal representation instead of representation on the basis of population.

SHRI GOVINDA MENON : Now the representation is not based on population. There is weightage in favour of smaller States. This is a compromise between

equality and proportional representation according to population. If you look into the figures, you will see that. I am not opposing equality.

SHRI S. KANDAPPAN : I am glad the Law Minister seems to have an open mind and I hope he will keep it in mind.

श्री एस० एम० जोशी (पूना) : मैं बंगाल के विधान मंडल को बर्खास्त देना चाहता हूँ कि एक हिस्टारिक और अच्छा कदम उसने उठाया है। मुझे कोई आश्चर्य नहीं हुआ जब स्वतंत्र पार्टी के लोगों ने इसका विरोध किया। स्वतंत्र पार्टी यथा-स्थितिवाद वाली एक पार्टी है। हम लोग बदलना चाहते हैं उसको जोकि पुराना ढांचा चला आ रहा है हजारों सालों से। हमारे एस एन द्विवेदी जी ने कहा कि यह रैंड लैंटर डे है और यह सही भी है। यथा-स्थितिवाद को और जो पुराना ढांचा बना हुआ है, उसका बदलने का काम हम लोग कर रहे हैं।

हमारा देश एक गरीब देश है। जो रुपया पैसा हम खर्च करते हैं, उसको हमें बहुत सोच समझ कर खर्च करना चाहिये। विधान परिषद पर जितना खर्च होता है क्या उस खर्च का कुछ लाभ भी होता है या नहीं, यह हमें देखना चाहिये। यहाँ तों यथा-स्थितिवाद को कायम रखने की कोशिश होती है और रुपया पैसा मुफ्त में खर्च हो जाता है।

यह जो कदम उठाया गया है, इसका हमें स्वागत करना चाहिये। हर एक स्टेट को इसी रास्ते पर चलना चाहिए। हाँ, जैसाकि अभी माननीय सदस्य ने कहा है, वे अपना टाइम लें, लेकिन यह प्रक्रिया अब शुरू कर देनी चाहिये, वरना हमें सविधान में संशोधन कर के यह काम करना चाहिए।

मैं इस बिल का पूरा समर्थन करता हूँ।

SHRI S. KUNDU : Mr. Chairman, Sir, today I am extremely happy that this Bill is going to be passed. Today I feel that we

turn a new leaf in the chapter of Indian democracy. The other day, when the Bill declaring Madras as Tamil Nadu was passed, I was equally happy.

But I would like to remind the hon. Minister of one thing. He said that the opinion that this sort of a second chamber should be eliminated is his personal opinion. I would request him to see that his personal opinion also gets the sanction as his party opinion. The sooner this sort of antiquated monument left by the British regime is done away with, the better for the people. The will of the people, the sovereignty of the people enjoyed by them should alone be exercised through a free and democratic election through their representative in the elected Legislative Assemblies and this Parliament and no other forum.

With these few words, I congratulate the Government on this measure. I congratulate the action of the West Bengal Government also, and I also thank the Law Minister for bringing this Bill and getting it passed during this session.

श्री रामाबतार शास्त्री (पटना) : सभापति महोदय, भारतीय जनतंत्र में आज का दिन एक ऐतिहासिक दिन है। बंगाल की जनता और बंगाल की विधान सभा ने जो निर्णय लिया है, वह बहुत भौजू है। हम सब ने इस बिल का समर्थन कर के ठीक ही किया है। लेकिन यह सब देख कर अफ़सोस होता है कि स्वतंत्र पार्टी के भाई अच्छे काम का भी विरोध करते हैं। उन से ऐसी उम्मीद नहीं थी। वे लोग अच्छे काम का भी विरोध करने की नीति को त्यागें।

आप के जरिये से मैं मंत्री महोदय से निवेदन करूंगा कि वह अगले अधिवेशन में राज्य सभा की समाप्ति का बिल भी पेश करें। यहां पर राज्य सभा के नाम पर और राज्यों में विधान परिषदों के नाम पर जो बहुत सा पैसा खर्च किया जा रहा है, उस को बचा कर देश के विकास और तरक्की के काम में लगाया जा सकता है। मैं आपकी माफ़त तमाम राज्यों की विधान सभाओं से अनुरोध करना चाहता

हूँ कि वे अपने यहां की विधान परिषदों को खत्म करने के सिलसिले में प्रस्ताव पास करें। खास तौर से गैर-कांग्रेसी राज्य सरकारों को तो निश्चय ही ऐसा करना चाहिए।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ और विधि मंत्री को बधाई देता हूँ कि उन्होंने बंगाल विधान सभा के निर्णय को मान लिया है। आशा है कि आगे भी वह इसी नीति पर अमल करेंगे।

श्री रणधीर सिंह : सभापति महोदय, वाकई यह एक बहुत अच्छा दिन है, जब कि एक नेक काम किया गया है। अच्छा काम चाहे कोई करे, उसकी तारीफ़ करनी चाहिए। इस नेक काम की शुरुआत पंजाब और बंगाल से हुई है और इस लिए मैं उनकी सराहना करता हूँ। हरियाणा में कोई कौंसिल नहीं है, वरना हम भी ऐसा ही कर देते। यह एक बहुत अच्छी लहर चली है। मैं ला मिनिस्टर को यह बिल लाने के लिए मुबारकबाद देना चाहता हूँ। कांग्रेस बैचिज से कोई स्पीच नहीं हुई ताकि यह बिल जल्दी से जल्दी पास हो जाये। हम इस मामले में आपोजीशन से भी ज्यादा तेज हैं। कांग्रेस बैचिज उनसे ज्यादा स्वाहिशमंद हैं कि यह सफ़ेद हाथी और यह भारी खर्चा जल्दी से जल्दी दूर हो। मैं इस बिल को पुरजोर समर्थन करता हूँ। मैं ला मिनिस्टर की तारीफ़ करता हूँ और कांग्रेस गवर्नमेंट की भी तारीफ़ करता हूँ कि दूसरी पार्टियों ने तो दिखावा किया, लेकिन हम ने अमल कर के दिखा दिया है। मैं चाहता हूँ कि सब स्टेट्स इस नीति पर चलें।

श्री तुलसीदास जाधव (बारामती) : सभापति महोदय, मैं इस बिल को सपोर्ट करता हूँ। मैं ने तो कई साल पहले बम्बई लेजिस्लेटिव एसेम्बली में वहां की विधान परिषद् को समाप्त करने का अनुरोध किया था।

[श्री तुलसीदास जाधव]

इस सम्बन्ध में मैं सरकार और सब पार्टियों से एक निवेदन करना चाहता हूँ। इस देश में अन्य देशों की सी हालत नहीं है। राज्य सभा और विधान परिषदों में सदस्य आम जनता से चुन कर नहीं आते हैं। वहाँ पर अलग अलग बगों, जातियों और माइनारिटीज वगैरह के प्रतिनिधि होते हैं, जोकि सरकार के कार्यों और नीतियों को बँलेंस करते हैं। हमें इस बात का ध्यान रखना चाहिए कि अप्पर हाउसिज को खत्म करने के बाद वह काम लोक सभा और राज्यों की विधान सभाओं के द्वारा हो, ताकि हमारे देश के सब अल्प-संख्यकों, बगों और जातियों के हितों की रक्षा हो और किसी के साथ भेदभाव न हो। मैं गवर्नमेंट से, और भविष्य में जो भी पार्टियाँ गवर्नमेंट में आयें, उनसे निवेदन करना चाहता हूँ कि वे इस बात की व्यवस्था करें कि देश के सब लोगों के साथ ठीक बर्ताव हो।

SHRI GOVINDA MENON : I do not have much to add, except to thank all sections of the House for the support they have given to this Bill.

SHRI S. M. BANERJEE : On a point of order, Sir. मेरा पायंट आफ़ आर्डर यह है कि **

MR. CHAIRMAN : It is expunged. The question is :

"That the Bill be passed".

The motion was adopted.

16.17 hrs

MOTION RE : ENCOURAGEMENT TO SUBVERSIVE AND VIOLENT ACTIVITIES IN THE COUNTRY

श्री प्रकाशवीर शास्त्री : (हापुड़) : सभा-पति महोदय, मैं प्रस्ताव करता हूँ :

"कि कुछ राजनीतिक दलों द्वारा तथा कुछ अन्य देशों द्वारा देश में तोड़-फोड़ की तथा हिंसात्मक गतिविधियों को दिये जा रहे प्रोत्साहन से उत्पन्न स्थिति पर विचार किया जाय।"

मुझे यह प्रस्ताव उपस्थित करने की आवश्यकता इस लिए पड़ी कि —

MR. CHAIRMAN : He can continue his speech on the next occasion.

LANGUAGE OF LAWS BILL*

श्री प्रकाशवीर शास्त्री (हापुड़) : मैं प्रस्ताव करता हूँ कि हिन्दी तथा अंग्रेजी में साथ साथ विधान बनाने के लिए उपलब्ध करने वाले विधेयक को प्रस्तुत करने की अनुमति दी जाये।

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to provide for simultaneous in Hindi and English."

The motion was adopted.

श्री प्रकाशवीर शास्त्री : मैं विधेयक को प्रस्तुत करता हूँ।

**Expunged as ordered by the Chair.

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